

TITLE 56.  
MOTOR VEHICLES

CHAPTER 1  
Driver's License

ARTICLE 1  
General Provisions

**SECTION 56-1-5.** Department of Motor Vehicles Established; transfer of power from the Department of Public Safety; appointment, powers, and duties of the Executive Director; independent review.

(A) The South Carolina Department of Motor Vehicles is hereby established as an administrative agency of the state government.

(B) Upon the signature of the Governor, all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit within the Department of Public Safety are transferred to and devolved upon the Department of Motor Vehicles.

(C) The Executive Director of the Department of Motor Vehicles shall be appointed by the Governor and confirmed by the Senate. The executive director shall serve at the pleasure of the Governor.

(D) The executive director is the executive and administrative head of the Department of Motor Vehicles. The executive director shall administer the policies defined by the department and the affairs of the department.

(E) The executive director may appoint assistants, deputies, and employees as the executive director considers necessary and proper to administer the affairs of the department and may prescribe their duties, powers, and functions.

(F) The Legislative Audit Council shall conduct an independent review of the Department of Motor Vehicles every three years.

HISTORY: 2003 Act No. 51, Section 3.

**SECTION 56-1-10.** Definitions.

Section effective until November 19, 2018. See, also, section 56-1-10 effective November 19, 2018.

For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

(1) "Driver" means every person who drives or is in actual physical control of a vehicle.

(2) "Operator" means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) "Owner" means a person, other than a lienholder, having the property or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(4) "Department" means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section 56-3-840.

(5) “State” means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.

(6) “Highway” means the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel.

(7) “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(8) “Motorcycle” means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.

(9) “Nonresident” means every person who is not a resident of this State.

(10) “Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.

(11) “Conviction” means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(12) “Cancellation of driver’s license” means the annulment or termination by formal action of the Department of Motor Vehicles of a person’s driver’s license because of some error or defect in the license or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.

(13) “Revocation of driver’s license” means the termination by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.

(14) “Suspension of driver’s license” means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.

(15) “Autocycle” means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having seating that does not require the operator to straddle or sit astride it and having an automotive-type steering device, but excluding a tractor or motorcycle three-wheel vehicle.

(16) “Alcohol” means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(17) “Alcohol concentration” means:

(a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or

(b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

(18) “Motorcycle three-wheel vehicle” means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device but excluding a tractor or autocycle.

(19) “Low speed vehicle” or “LSV” means a four-wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty-five miles an hour on a paved level surface, and whose GVWR is less than three thousand pounds.

(20) “All terrain vehicle” or “ATV” means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off-road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(21) “Operator” or “driver” means a person who is in actual physical control of a motor vehicle.

(22) “Person” means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term “person” is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.

(23) “Office of Motor Vehicle Hearings” means the Office of Motor Vehicle Hearings created by Section 1-23-660. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.

(24) “Administrative hearing” means a “contested case hearing” as defined in Section 1-23-310. It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.

(25) “Home jurisdiction” means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

HISTORY: 1962 Code Section 46-151; 1952 Code Section 46-151; 1942 Code Section 5982; 1932 Code Section 5982; 1930 (36) 1057; 1959 (51) 421; 1986 Act No. 528, Section 2; 1992 Act No. 486, Sections 2, 3; 1993 Act No. 181, Section 1297; 1996 Act No. 459, Sections 68A-68D; 1998 Act No. 434, Section 1; 2000 Act No. 375, Section 1; 2003 Act No. 51, Section 11; 2005 Act No. 170, Section 3, eff 6 months after approval by the Governor (approved June 7, 2005); 2006 Act No. 381, Section 3, eff June 13, 2006; 2008 Act No. 201, Section 1, eff 12:00 p.m., February 10, 2009; 2008 Act No. 279, Section 2, eff October 1, 2008; 2010 Act No. 216, Section 1, eff June 7, 2010; 2017 Act No. 34 (S.444), Sections 1, 2, eff November 10, 2017.

#### **SECTION 56-1-10. Definitions.**

Section effective November 19, 2018. See, also, section 56-1-10 effective until November 19, 2018.

For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

(1) “Driver” means every person who drives or is in actual physical control of a vehicle.

(2) “Operator” means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) “Owner” means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. This term also includes a person to whom a moped is registered if the moped is not titled.

(4) “Department” means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section 56-3-840.

(5) “State” means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.

(6) “Highway” means the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel.

(7) “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(8) “Motorcycle” means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor and a moped.

(9) “Nonresident” means every person who is not a resident of this State.

(10) “Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.

(11) “Conviction” means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(12) “Cancellation of driver’s license” means the annulment or termination by formal action of the Department of Motor Vehicles of a person’s driver’s license because of some error or defect in the license or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.

(13) “Revocation of driver’s license” means the termination by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.

(14) “Suspension of driver’s license” means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.

(15) “Autocycle” means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having seating that does not require the operator to straddle or sit astride it and having an automotive-type steering device, but excluding a tractor or motorcycle three-wheel vehicle.

(16) “Alcohol” means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(17) “Alcohol concentration” means:

(a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or

(b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

(18) “Motorcycle three-wheel vehicle” means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable

side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device but excluding a tractor or autocycle.

(19) “Low speed vehicle” or “LSV” means a four-wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty-five miles an hour on a paved level surface, and whose gross vehicle weight rating (GVWR) is less than three thousand pounds.

(20) “All terrain vehicle” or “ATV” means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off-road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(21) “Operator” or “driver” means a person who is in actual physical control of a motor vehicle.

(22) “Person” means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term “person” is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.

(23) “Office of Motor Vehicle Hearings” means the Office of Motor Vehicle Hearings created by Section 1-23-660. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.

(24) “Administrative hearing” means a “contested case hearing” as defined in Section 1-23-310. It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.

(25) “Home jurisdiction” means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(26) “Moped” means a cycle, defined as a motor vehicle, with or without pedals, to permit propulsion by human power, that travels on not more than three wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor of fifty cubic centimeters; or designed to have an input exceeding 750 watts and no more than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(27) “Daylight hours’ means after six o’clock a.m. and no later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, “daylight hours’ means after six o’clock a.m. and no later than eight o’clock p.m. All other hours are designated as nighttime hours.

(28) “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

HISTORY: 1962 Code Section 46-151; 1952 Code Section 46-151; 1942 Code Section 5982; 1932 Code Section 5982; 1930 (36) 1057; 1959 (51) 421; 1986 Act No. 528, Section 2; 1992 Act No. 486, Sections 2, 3; 1993 Act No. 181, Section 1297; 1996 Act No. 459, Sections 68A-68D; 1998 Act No. 434, Section 1; 2000 Act No. 375, Section 1; 2003 Act No. 51, Section 11; 2005 Act No. 170, Section 3, eff 6 months after approval by the Governor (approved June 7, 2005);

2006 Act No. 381, Section 3, eff June 13, 2006; 2008 Act No. 201, Section 1, eff 12:00 p.m., February 10, 2009; 2008 Act No. 279, Section 2, eff October 1, 2008; 2010 Act No. 216, Section 1, eff June 7, 2010; 2017 Act No. 34 (S.444), Sections 1, 2, eff November 10, 2017; 2017 Act No. 89 (H.3247), Section 1, eff November 19, 2018.

#### Code Commissioner's Note

At the direction of the Code Commissioner, the amendments made by 2017 Act No. 34 and 2017 Act No. 89 were read together.

#### Effect of Amendment

2017 Act No. 34, Section 1, rewrote (15), relating to the definition of "autocycle".

2017 Act No. 34, Section 2, in (18), substituted "autocycle" for "automotive three-wheel vehicle".

2017 Act No. 89, Section 1, in (3), inserted "interest in" following "having the property", and added the last sentence, relating to the person to whom a moped is registered; in (8), added "and a moped" following "excluding a tractor"; in (19), inserted "gross vehicle weight rating"; and added (26) to (28), relating to the definitions of "moped", "daylight hours", and "vehicle".

**SECTION 56-1-15.** Administration of driver's license examination; random testing of driver's license applicants; contractor's failure to conform to licensing laws.

(A) The Department of Motor Vehicles must enter into contracts with persons, corporations, or governmental subdivisions, including public schools, in localities throughout the State to administer the portion of the driver's license examination that tests the driver's license applicant's ability to read and understand highway signs that regulate, warn, and direct traffic, and his knowledge of the traffic laws of the State, and the actual demonstration of his ability to exercise ordinary and reasonable control in the operation of the type of motor vehicle for which the license is sought as contained in Section 56-1-130(A). The department must supervise the provision of services contained in this subsection. The department must supply driver education instructors appropriate testing materials to administer the examinations contained in this section. A person or corporation administering an examination pursuant to this section may charge a fee in excess of the fee charged by the department for the examination.

(B) The department must randomly test driver's license applicants who successfully complete the driver's license examinations pursuant to subsection (A) to ensure that the driver's license instructors are properly certifying that their students have successfully completed a driver's license examination.

(C) If through testing or other review procedures, the department determines that a contractor is not conforming to the law and regulations applicable to licensing, it may:

- (1) suspend the authority of a particular individual or entity operating under the contract to administer the tests;
- (2) suspend the contract;
- (3) cancel the contract.

(D) The department must test randomly a driver's license applicant only at the time the applicant is seeking his initial driver's license at the Department of Motor Vehicles.

HISTORY: 2003 Act No. 51, Section 5.

**SECTION 56-1-20.** Driver's license required; surrender and disposition of out-of-state licenses; local licenses.

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 driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operator's licenses in his possession issued to him by any other state. 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 driver's license or operator's license at any time.

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.

HISTORY: 1962 Code Section 46-152; 1952 Code Section 46-152; 1942 Code Section 5983; 1932 Code Section 5983; 1930 (36) 1057; 1959 (51) 421.

**SECTION 56-1-25.** Disclosure of confidential information during transfer of power to Department of Motor Vehicles.

It is unlawful for a person to disclose any confidential information which belongs to the Department of Public Safety Motor Vehicle Division to an individual or entity that is not permitted to have access to the information during or after the transfer of the confidential information from the Motor Vehicle Division to the Department of Motor Vehicles. A person who violates a provision contained in this section is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than one year and fined not less than one thousand dollars.

HISTORY: 2003 Act No. 51, Section 19.

**SECTION 56-1-30.** Persons exempt from licensing requirements.

Section effective until November 19, 2018. See, also, section 56-1-30 effective November 19, 2018.

The following persons are exempt from licenses under this article:

(1) Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless the employee is required by the United States Government or the Federal agency by which he is employed to have a State driver's license;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's or chauffeur's license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator's or chauffeur's license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car;

(5) Any person on active duty in the Armed Services of the United States who has in his immediate possession a valid driver's license issued in a foreign country or by the Armed Services of the United States may operate a motor vehicle in this State for a period of not more than ninety days from the date of his return to the United States; and

(6) A citizen of a foreign jurisdiction whose licensing procedure is at least as strict as South Carolina's, as determined by the Department of Motor Vehicles, who is at least eighteen years of age, who is employed in South Carolina, and who has a valid driver's license issued by that jurisdiction may drive in this State for five years if the foreign jurisdiction provides a reciprocal arrangement for South Carolina residents. The provisions of this item also shall apply to the dependents of foreign nationals who qualify under this section.

HISTORY: 1962 Code Section 46-153; 1952 Code Sections 46-153 to 46-155; 1942 Code Sections 5986, 6000; 1932 Code Sections 5986, 6000; 1930 (36) 1057; 1940 (41) 1680; 1959 (51) 421; 1988 Act No. 362, Sections 2, 3; 1990 Act No. 320, Section 1; 1998 Act No. 258, Section 6; 1999 Act No. 16, Section 1.

**SECTION 56-1-30.** Persons exempt from licensing requirements.

Section effective November 19, 2018. See, also, section 56-1-30 effective until November 19, 2018.

The following persons are exempt from licenses under this chapter:

(1) Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless the employee is required by the United States Government or the Federal agency by which he is employed to have a state driver's license;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's or chauffeur's license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator's or chauffeur's license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United

States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car.

(5) Any person on active duty in the Armed Services of the United States who has in his immediate possession a valid driver's license issued in a foreign country or by the Armed Services of the United States may operate a motor vehicle in this State for a period of not more than ninety days from the date of his return to the United States; and

(6) A citizen of a foreign jurisdiction whose licensing procedure is at least as strict as South Carolina's, as determined by the Department of Motor Vehicles, who is at least eighteen years of age, who is employed in South Carolina, and who has a valid driver's license issued by that jurisdiction may drive in this State for five years if the foreign jurisdiction provides a reciprocal arrangement for South Carolina residents. The provisions of this item also shall apply to the dependents of foreign nationals who qualify under this section.

HISTORY: 1962 Code Section 46-153; 1952 Code Sections 46-153 to 46-155; 1942 Code Sections 5986, 6000; 1932 Code Sections 5986, 6000; 1930 (36) 1057; 1940 (41) 1680; 1959 (51) 421; 1988 Act No. 362, Sections 2, 3; 1990 Act No. 320, Section 1; 1998 Act No. 258, Section 6; 1999 Act No. 16, Section 1; 2017 Act No. 89 (H.3247), Section 2, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 2, in the introductory paragraph, substituted "chapter" for "article"; in (1), substituted "state" for "State"; and made a nonsubstantive change.

**SECTION 56-1-35.** Driver's license for members of the armed services and dependents.

A member of the Armed Services of the United States and his dependents, who become permanent residents of this State, have ninety days to apply for a South Carolina driver's license, and they must be issued a license without examination except for the visual test required by Section 56-1-210 if they have a valid driver's license from another state or territory of the United States, or the District of Columbia. The license expires on the licensee's birth date which occurs within the fourth calendar year in which the license is issued.

HISTORY: 1988 Act No. 362, Section 1.

**SECTION 56-1-40.** Persons who may not be licensed or have their license renewed; beginner's permit.

The Department of Motor Vehicles may not issue a motor vehicle driver's license to or renew the driver's license of a person:

(1) who is under seventeen years of age, except that the department may issue a license to a sixteen-year-old who is licensed to drive pursuant to Section 56-1-175 after one year from the date of the issuance of the conditional license, if the driver has not been convicted of a traffic offense or has not been involved in an accident in which he was at fault during that period. However, the department may issue a beginner's permit as provided in Section 56-1-50 to a person who is at least fifteen years of age and meets the requirements of that section. The department also may issue a special restricted driver's license to a person who is at least sixteen

years of age and less than seventeen years of age as provided in Section 56-1-180 and meets the requirements of that section;

(2) whose driver's license or privilege to operate a motor vehicle currently is suspended or revoked in this State or another jurisdiction, except as otherwise provided for in this title;

(3) who is an habitual user of alcohol or any other drug to a degree which prevents him from safely operating a motor vehicle;

(4) who has a mental or physical condition which prevents him from safely operating a motor vehicle;

(5) who is required by this article to take an examination, unless the person successfully has passed the examination;

(6) who is required under the laws of this State to provide proof of financial responsibility and has not provided the proof;

(7) who is not a resident of South Carolina. For purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term "resident of South Carolina" shall expressly include all persons authorized by the United States Department of Justice, the United States Immigration and Naturalization Service, or the United States Department of State to live, work, or study in the United States on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. These persons and their dependents are eligible to obtain a motor vehicle driver's license or have one renewed pursuant to this provision. A driver's license issued pursuant to this item to a person who is not a lawful permanent resident of the United States shall expire on the later of: (1) the expiration date of the driver's license applicant's authorized period of stay in the United States; or (2) the expiration date of the driver's license applicant's employment authorization document. However, in no event shall a driver's license issued pursuant to this item expire less than one year or more than five years from the date of its issue. In addition, a person pending adjustment of status who presents appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of his driver's license which is renewable annually;

(8) who must not be issued a license as otherwise provided by the laws of this State.

HISTORY: 1962 Code Section 46-154; 1952 Code Section 46-162; 1942 Code Section 5999; 1932 Code Section 5999; 1930 (36) 1057; 1959 (51) 421, 564; 1960 (51) 1634; 1966 (54) 2424; 1993 Act No. 26, Section 1; 1994 Act No. 497, Part II, Section 121D; 1996 Act No. 459, Section 69; 1998 Act No. 258, Section 7; 2002 Act No. 181, Section 6; 2002 Act No. 282, Section 1.

**SECTION 56-1-50.** Beginner's permit; hours and conditions of vehicle operation; renewal and fee; driver's training course; eligibility for full licensure.

Section effective until November 19, 2018. See, also, section 56-1-50 effective November 19, 2018.

(A) A person who is at least fifteen years of age may apply to the Department of Motor Vehicles for a beginner's permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner's permit which entitles the applicant having the permit in his immediate possession to drive a motor vehicle under the conditions contained in this section on the public highways for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o'clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o'clock a.m. unless accompanied by the permittee's licensed parent or guardian;

(2) motorcycles or mopeds after six o'clock a.m. and not later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the permittee may operate motorcycles or mopeds after six o'clock a.m. and not later than eight o'clock p.m. A permittee may not operate a motorcycle at any other time unless accompanied by a licensed motorcycle operator twenty-one years of age or older who has at least one year of driving experience. A permittee may not operate a moped at any other time unless accompanied by a licensed driver twenty-one years of age or older who has at least one year of driving experience.

(C) The accompanying driver must:

- (1) occupy a seat beside the permittee when the permittee is operating a motor vehicle; or
- (2) be within a safe viewing distance of the permittee when the permittee is operating a motorcycle or a moped.

(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months, but the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner's permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver's training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:

	Fees and Penalties	General Fund	Department of
	Collected After	of the State	Transportation
			State Non-Federal Aid

			Highway Fund
	June 30, 2005	60 percent	40 percent
	June 30, 2006	20 percent	80 percent
	June 30, 2007	0 percent	100 percent.

(H) A person who holds a motorcycle beginner’s permit who has failed the motorcycle driver’s license test three or more times must successfully complete a South Carolina technical college motorcycle safety course, or its equivalent, in lieu of passing the motorcycle driver’s license test, in order to obtain a motorcycle license. All courses must be at least eight hours in length and be taught by an instructor accredited through a training program in which the procedures for accreditation are equivalent to those set forth in “Manual of Rules and Procedures” published by the National Safety Council. All courses must include successful completion of an examination equivalent to the Department of Motor Vehicles motorcycle skills test. These programs are subject to Section 56-1-15.

HISTORY: 1962 Code Section 46-155; 1952 Code Section 46-167; 1949 (46) 271; 1953 (48) 246; 1956 (49) 1648; 1959 (51) 421, 564; 1965 (54) 649; 1966 (54) 2424, 2661; 1967 (55) 557, 935; 1977 Act No. 19; 1980 Act No. 358, Section 1; 1992 Act No. 486, Section 4; 1994 Act No. 497, Part II, Section 121E; 1998 Act No. 258, Section 8; 2002 Act No. 181, Section 1; 2004 Act No. 280, Section 1; 2005 Act No. 176, Section 5, eff June 14, 2005; 2016 Act No. 267 (S.689), Section 1, eff June 7, 2016; 2018 Act No. 127 (S.456), Section 1, eff February 5, 2018.

**SECTION 56-1-50.** Beginner’s permit; hours and conditions of vehicle operation; renewal and fee; driver’s training course; eligibility for full licensure.

Section effective November 19, 2018. See, also, section 56-1-50 effective until November 19, 2018.

(A) A person who is at least fifteen years of age may apply to the department for a beginner’s permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner’s permit. A beginner’s permit entitles the permittee having the permit in his immediate possession to drive a motor vehicle on public highways under the conditions contained in this section for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o’clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o’clock a.m. unless accompanied by the permittee’s licensed parent or guardian; and

(2) motorcycles.

While driving a motorcycle during nighttime hours, the permittee must be accompanied by a motorcycle-licensed driver twenty-one years of age or older who has had at least one year of driving experience.

(C) The accompanying driver must:

(1) occupy a seat beside the permittee when the permittee is operating a motor vehicle; or

(2) be within a safe viewing distance of the permittee when the permittee is operating a motorcycle or a moped.

(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months. However, the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner's permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver's training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

(H) A person who holds a motorcycle beginner's permit who has failed the motorcycle driver's license test three or more times must successfully complete a South Carolina technical college motorcycle safety course, or its equivalent, in lieu of passing the motorcycle driver's license test, in order to obtain a motorcycle license. All courses must be at least eight hours in length and be taught by an instructor accredited through a training program in which the procedures for accreditation are equivalent to those set forth in "Manual of Rules and Procedures" published by the National Safety Council. All courses must include successful completion of an examination equivalent to the Department of Motor Vehicles motorcycle skills test. These programs are subject to Section 56-1-15.

HISTORY: 1962 Code Section 46-155; 1952 Code Section 46-167; 1949 (46) 271; 1953 (48) 246; 1956 (49) 1648; 1959 (51) 421, 564; 1965 (54) 649; 1966 (54) 2424, 2661; 1967 (55) 557, 935; 1977 Act No. 19; 1980 Act No. 358, Section 1; 1992 Act No. 486, Section 4; 1994 Act No. 497, Part II, Section 121E; 1998 Act No. 258, Section 8; 2002 Act No. 181, Section 1; 2004 Act No. 280, Section 1; 2005 Act No. 176, Section 5, eff June 14, 2005; 2016 Act No. 267 (S.689), Section 1, eff June 7, 2016; 2018 Act No. 127 (S.456), Section 1, eff February 5, 2018; 2017 Act No. 89 (H.3247), Section 3, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 3, amended the section, deleting the provisions that allowed a permit holder to operate a moped, revising the time of day and conditions upon which a permittee may operate a motorcycle, and deleting an obsolete provision.

2018 Act No. 127, Section 1, added (H), providing that a person who has failed the motorcycle driver's license test three or more times must successfully complete a South Carolina technical college motorcycle safety course, or its equivalent, in lieu of passing the test.

**SECTION 56-1-70.** Temporary driver's permit.

The Department of Motor Vehicles may, in its discretion, issue a temporary driver's permit to an applicant for a motor vehicle driver's license permitting him to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

HISTORY: 1962 Code Section 46-157; 1959 (51) 421.

**SECTION 56-1-80.** Application for license or permit.

(A) An application for a driver's license or permit must:

- (1) be made upon the form furnished by the department;
- (2) be accompanied by the proper fee and acceptable proof of date and place of birth;
- (3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;
- (4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;
- (5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;
- (6) allow an applicant voluntarily to disclose a permanent medical condition, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record;
- (7) allow an applicant voluntarily to disclose that he is an organ and tissue donor, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record; and
- (8) allow an applicant voluntarily to disclose that he is autistic, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record. The applicant must provide documentation that he is autistic from a physician licensed in this State, as defined in Section 40-47-20(35).

(B) The information contained on a driver's license and in the driver's department records pertaining to a person's permanent medical condition, as provided for in item (A)(6), must be made available, upon request, to law enforcement and emergency medical services and hospital personnel; and the information and records pertaining to a person's organ and tissue donor status, as provided for in item (A)(7), must be made available, upon request, to law enforcement, emergency medical services and hospital personnel, and the South Carolina Donor Referral Network, as provided for in Section 44-43-910.

(C) Whenever an application is received from a person previously licensed or permitted in another state, the Department of Motor Vehicles may request a copy of the applicant's record from the other state. When received, the record becomes a part of the driver's record in this State with the same effect as though entered on the operator's record in this State in the original

instance. Every person who obtains a driver's license or permit for the first time in South Carolina and every person who renews his driver's license or permit in South Carolina must be furnished a written request form for completion and verification of liability insurance coverage.

The completed and verified form or an affidavit prepared by the department showing that neither he, nor a resident relative, owns a motor vehicle subject to the provisions of this chapter, must be delivered to the department at the time the license or permit is issued or renewed.

**HISTORY:** 1962 Code Section 46-158; 1952 Code Sections 46-157, 46-159; 1942 Code Sections 5984, 5987, 6002; 1932 Code Sections 5984, 5987, 6002; 1930 (36) 1057; 1959 (51) 421; 1974 (58) 1973; 1989 Act No. 148, Section 28; 1993 Act No. 181, Section 1298; 1994 Act No. 497, Part II, Section 121F; 1996 Act No. 459, Section 70; 2000 Act No. 225, Section 1; 2007 Act No. 92, Section 3, eff June 14, 2007; 2010 Act No. 277, Section 3, eff July 1, 2011; 2017 Act No. 19 (S.344), Section 1, eff May 9, 2017.

Editor's Note

2010 Act No. 277, Section 5, provides:

"The requirements of Section 56-1-80 of the 1976 Code, as amended by Section 3 of this act, must be met upon the renewal of an existing driver's license or special identification card of a person convicted of a crime of violence as defined in Section 16-23-10(3) in this State on or after July 1, 2011."

2010 Act No. 277, Section 7, provides:

"This act takes effect July 1, 2011, and applies to all persons convicted of a crime of violence as defined in Section 16-23-10(3)."

Effect of Amendment

2017 Act No. 19, Section 1, in (A), added (8), relating to autism designations placed on a driver's license, and made other nonsubstantive changes.

#### **SECTION 56-1-85. REAL ID Act.**

It is hereby declared to be the policy of this State:

(1) The State is committed to the continuing effort of enhancing the security, authentication, and issuance procedure standards of its drivers' licenses and identification cards and of meeting all requirements of the Federal REAL ID Act of 2005 (P.L. 109-13) and accompanying regulations.

(2) The department shall enable qualifying citizens to obtain state drivers' licenses and identification cards that are in compliance with the REAL ID Act.

(3) The department shall not provide direct access to the department's full driver's license database to any other jurisdiction.

**HISTORY:** 2007 Act No. 70, Section 1, eff June 13, 2007; 2017 Act No. 6 (H.3358), Section 2, eff April 5, 2017.

Effect of Amendment

2017 Act No. 6, Section 2, amended the section, adding the paragraph designators, providing that the state shall meet all the requirements of the federal REAL ID Act, and that the department of motor vehicles shall not provide direct access to its full driver's license database to any other jurisdiction.

#### **SECTION 56-1-87. REAL ID card issuance.**

(A) A person may hold only one Department of Motor Vehicles-issued credential at a time. A REAL ID card may be a driver's license or identification card, but not both.

(B) The department may issue a compliant or noncompliant card. The department may issue a REAL ID compliant credential only to a person who:

- (1) presents all supporting documents required for a compliant credential; or
- (2) has previously presented proper supporting documents and the department has retained copies of those documents.

(C) The department shall issue a noncompliant credential to a person who opts not to have a REAL ID card, and meets the other requirements necessary to obtain a noncompliant credential.

HISTORY: 2017 Act No. 6 (H.3358), Section 1, eff April 5, 2017.

**SECTION 56-1-90.** Identification necessary for license.

The Department of Motor Vehicles may require every applicant to submit for identification purposes proof of name, Social Security number, and date and place of birth when applying for a driver's license. An applicant for a driver's license, driver's permit, or special identification card or a renewal thereof may sufficiently prove the existence and validity of his Social Security number, for purposes of Section 14-7-130, by any document considered reliable by the Department of Motor Vehicles. Such a document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA-1099, letter from the Social Security Administration, voter registration card, payroll stub, or Federal W-2 form. The numbers also may be obtained from the Department of Revenue pursuant to Section 12-54-240(B)(7), which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to the State Election Commission.

This section does not prevent issuance of a driver's license or identification card to a foreign exchange student participating in a valid foreign exchange program.

HISTORY: 1962 Code Section 46-158.1; 1974 (58) 2349; 1990 Act No. 451, Section 1; 1993 Act No. 181, Section 1996 Act No. 459, Section 71; 2017 Act No. 6 (H.3358), Section 3, eff April 5, 2017.

Effect of Amendment

2017 Act No. 6, Section 3, in the first undesignated paragraph, in the second sentence, substituted "document considered reliable by the Department of Motor Vehicles" for "reasonably reliable document containing the Social Security number", in the third sentence, deleted "or U.S. military identification card", and made other nonsubstantive changes; and deleted the former undesignated second paragraph relating to affidavits for establishment of valid Social Security numbers for replacement licenses.

**SECTION 56-1-100.** Application by unemancipated minor.

(A) The application of an unemancipated minor for a beginner's permit or driver's license must be signed in the presence of a South Carolina Department of Motor Vehicles employee at the time of application by:

- (1) the father of the minor;
- (2) the mother of the minor;
- (3) the guardian of the minor;
- (4) an individual who has custody, care, and control of the minor;

(5) any person set forth in subsection (C)(3) below with written approval by the Department of Social Services;

(6) any person who has been standing in loco parentis of a minor for a continuous period of not less than sixty days; or

(7) any responsible adult who is willing to assume the obligation imposed under this article and who has written permission, from a person listed in items (1)—(7) above, signed and verified before a person authorized to administer oaths.

(B) The application of an emancipated minor for a beginner's permit or driver's license must be signed in the presence of a South Carolina Department of Motor Vehicles employee at the time of application by a responsible adult who is willing to assume the obligation imposed under this article.

(C) If the Department of Social Services has guardianship or legal custody of a minor, the application may be signed by:

(1) the father of the minor;

(2) the mother of the minor; or

(3) the foster parent, preadoptive parent, or person responsible for the welfare of the child who resides in a childcare facility or residential group care home, upon written approval by the Department of Social Services. The disclosure of information by the Department of Social Services to the Department of Motor Vehicles in order to provide approval for the limited purpose of this code section shall not be a violation of Section 63-7-1990 or any other section of the Children's Code governing the dissemination of confidential information. The foster parent, preadoptive parent, or person responsible for the welfare of a child who resides in a childcare facility or residential group care home must obtain approval from the Department of Social Services prior to the request for an extension of a permit pursuant to Section 56-1-50.

(D) Except as set forth in subsection (C)(3) above, upon the extension of a permit pursuant to Section 56-1-50, authorization by the person who originally signed the application, under subsections (A), (B), or (C) above, is not required.

**HISTORY:** 1962 Code Section 46-159; 1952 Code Section 46-158; 1942 Code Section 5989; 1932 Code Section 5989; 1930 (36) 1057; 1933 (38) 214; 1949 (46) 271; 1956 (49) 1649; 1959 (51) 421; 1994 Act No. 497, Part II, Section 121G; 2017 Act No. 2 (S.198), Section 1, eff April 5, 2017.

**Effect of Amendment**

2017 Act No. 2, Section 1, amended the section by adding the paragraph designators, deleting the term "instruction permit", and revising the list of persons who must sign the application of an unemancipated minor.

**SECTION 56-1-110.** Imputed liability of person signing application for damages caused by uninsured minor.

Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of such minor for a beginner's permit, instruction permit, or driver's license, which person is jointly and severally liable with such minor for any damage caused by such negligence or wilful misconduct, except that if such minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 of this title and Sections 38-77-140 through 38-77-310, then such parent or

guardian or other responsible adult is not subject to the liability otherwise imposed under this section.

HISTORY: 1962 Code Section 46-160; 1959 (51) 421; 1987 Act No. 155, Section 17.

**SECTION 56-1-120.** Release from imputed liability by cancellation of permit or license.

Any person who has signed the application of a minor for a permit or license may thereafter file with the Department of Motor Vehicles a verified written request that the permit or license of such minor so granted be cancelled. Thereupon, the person who signed the application of such minor shall be relieved from the liability imposed under Section 56-1-110 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle, and the license or permit of such minor shall be cancelled by the Department.

HISTORY: 1962 Code Section 46-161; 1959 (51) 421.

**SECTION 56-1-125.** Registration with U.S. Selective Service when applying for driver's license or identification card.

(A) Upon receiving proper authority from the United States Government, a United States male citizen or immigrant who is less than twenty-six years of age must be registered for the United States Selective Service when applying to the Department of Motor Vehicles for the issuance, renewal, or a duplicate copy of:

- (1) a driver's license;
- (2) a commercial driver's license; or
- (3) an identification card.

(B) The department shall forward in an electronic format the necessary personal information required for registration of individuals identified in this section to the Selective Service System.

(C) An individual's submission of an application contained in subsection (A) serves as an indication that the individual has registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System information necessary for his registration.

(D) The department shall inform the individual who is at least eighteen years of age and less than twenty-six years of age, on his application, that his submission of the application for a license or identification card serves as his consent to be registered with the Selective Service System, if required by federal law.

(E) The department shall inform the individual who is less than eighteen years of age, on his application, that his submission of the application for a license or identification card serves as his consent to be registered with the Selective Service System upon attaining eighteen years of age, if required by federal law. His application also must be signed by his parent or guardian. By signing the application, the parent or guardian authorizes the department to register the applicant with the Selective Service System upon attaining eighteen years of age, if required by federal law. The applicant, parent, or guardian may decline the Selective Service System registration. If the applicant, parent, or guardian declines the Selective Service System registration, the department may issue a license or identification card, but the applicant must renew the license or identification card upon attaining eighteen years of age.

(F) This section takes effect upon the department's receipt from the federal government of the funds necessary to implement this section.

HISTORY: 2003 Act No. 51, Section 6.

**SECTION 56-1-130.** License examinations; basic and classified licenses.

(A) The Department of Motor Vehicles shall examine every applicant for a driver's license, except as otherwise provided in this article. The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this State and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of the type motor vehicle, including motorcycles, for which a license is sought. The department may require a further physical and mental examination as it considers necessary to determine the applicant's fitness to operate a motor vehicle upon the highways, the further examination to be at the applicant's expense. The department shall make provisions for giving an examination in the county where the applicant resides. The department shall charge an appropriate fee for each complete examination or reexamination required in this article.

(B) No persons, except those exempted under Section 56-1-30 and Section 56-1-60, or those holding beginner's permits under Section 56-1-50, shall operate any classification of motor vehicle without first being examined and duly licensed by the driver examiner as a qualified driver of that classification of motor vehicle.

(C)(1) A basic driver's license authorizes the licensee to operate motor vehicles, autocycles, motorcycle three-wheel vehicles, excluding a motorcycle with a detachable side car, or combinations of vehicles which do not exceed twenty-six thousand pounds gross vehicle weight rating; provided, that the driver has successfully demonstrated the ability to exercise ordinary and reasonable control in the operation of a motor vehicle in this category. A basic driver's license also authorizes the licensee to operate farm trucks provided for in Sections 56-3-670, 56-3-680, and 56-3-690, which are used exclusively by the owner for agricultural, horticultural, and dairying operations or livestock and poultry raising. Notwithstanding another provision of law, the holder of a conditional license, or special restricted license operating a farm truck for the purposes provided in this subsection, may operate the farm truck without an accompanying adult after six o'clock a.m. and no later than nine o'clock p.m., but may not operate a farm truck on a freeway. A person operating a farm truck while holding a conditional driver's license or a special restricted license may not use the farm truck for ordinary domestic purposes or general transportation.

(2) A classified driver's license shall authorize the licensee to operate a motorcycle, motorcycle three-wheel vehicle, including a motorcycle with a detachable side car, or those vehicles in excess of twenty-six thousand pounds gross vehicle weight rating which are indicated by endorsement on the license. The endorsement may include classifications such as: motorcycle, two-axle truck, three- or more axle truck, combination of vehicles, motor busses, or oversize or overweight vehicles. The department shall determine from the driving demonstration the endorsements to be indicated on the license.

HISTORY: 1962 Code Section 46-162; 1952 Code Section 46-161; 1942 Code Section 5990; 1932 Code Section 5990; 1930 (36) 1057; 1959 (51) 421; 1974 (58) 2349; 1980 Act No. 358, Section 2; 1992 Act No. 486, Section 5; 1996 Act No. 459, Section 72; 1998 Act No. 258,

Section 9; 2000 Act No. 375, Section 2; 2002 Act No. 181, Section 7; 2008 Act No. 347, Section 20, eff June 16, 2008; 2009 Act No. 42, Section 2, eff June 2, 2009; 2017 Act No. 34 (S.444), Section 3, eff November 10, 2017.

#### Editor's Note

Section 56-1-60, referred to herein, which provided for student's instruction permits, was repealed by 1976 Act No. 738, Section 11.

Sections 56-3-680 and 56-3-690, referred to herein, were repealed by 1979 Act No. 83, Section 2. Comparable provisions appear in Section 56-3-670.

#### Effect of Amendment

2017 Act No. 34, Section 3, in (C), inserted the (1) and (2) paragraph identifiers, and in (C)(1), substituted "autocycles" for "automotive three-wheel vehicles".

**SECTION 56-1-135.** Designated driver for fire extinguishment, special endorsement; safety officers.

(A) Notwithstanding the provisions of Section 56-1-130, a paid or volunteer firefighter of a lawfully and regularly organized fire department designated to drive a firefighting vehicle may have a special endorsement affixed to his driver's license which authorizes him to drive this vehicle for the purpose of carrying out the duties and responsibilities of a fire department and related activities.

(B) Every political subdivision and unincorporated community operating a lawfully and regularly organized fire department of this State shall designate a law enforcement officer or the fire chief or his designee as its safety officer. The safety officer shall meet the qualifications set forth in the Department of Motor Vehicle guidelines. However, he does not have to be a full-time employee. A firefighter desiring to drive the vehicle referred to in subsection (A) shall demonstrate his ability to exercise ordinary and reasonable control in the operation of this vehicle to a safety officer. The fire department, including volunteer fire departments, shall submit to the Department of Motor Vehicles a list of the persons designated to drive the vehicle.

(C) It is the responsibility of the agency or fire department who operates the vehicle to keep the list of designated drivers current. Changes in the list of drivers must be reported to the Department of Motor Vehicles within thirty days from the change.

**HISTORY:** 1988 Act No. 532, Section 29; 1989 Act No. 165, Section 1; 1993 Act No. 181, Section 1300.

**SECTION 56-1-140.** Issuance of license; necessary fees, signature, and contents; veteran designation.

(A) Upon payment of a fee of twenty-five dollars for a license that is valid for eight years, the department shall issue to every qualified applicant a driver's license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and laminated colored photograph of the licensee, any marking otherwise required or in compliance with law, and a facsimile of the signature of the licensee. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement driver's license may apply to the department to obtain a veteran designation on the front of his driver's license by providing a United States Department of Defense discharge certificate, also known as a DD Form 214, Form

4, that shows a characterization of service, or discharge status of “honorable” or “general under honorable conditions” and establishes the person’s qualifying military service in the United States Armed Forces.

The department may determine the appropriate form of the veteran designation on the driver’s license authorized pursuant to this section.

(C) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

**HISTORY:** 1962 Code Section 46-163; 1952 Code Sections 46-156, 46-160, 46-163; 1942 Code Sections 5984, 5985, 5992; 1932 Code Sections 5984, 5985, 5992; 1930 (36) 1057; 1947 (45) 74; 1959 (51) 421; 1965 (54) 649; 1974 (58) 2349; 1976 Act No. 738 Section 10; 1985 Act No. 201, Part II, Section 86A; 1994 Act No. 497, Part II, Section 55B; 2003 Act No. 51, Section 12; 2005 Act No. 176, Section 6, eff June 14, 2005; 2012 Act No. 147, Section 1, eff April 23, 2012; 2016 Act No. 275 (S.1258), Section 11, eff July 1, 2016; 2017 Act No. 6 (H.3358), Section 4, eff April 5, 2017.

**Effect of Amendment**

2017 Act No. 6, Section 4, rewrote the section, revising the cost and frequency of the renewal period for a driver’s license, revising the content of a driver’s license, and eliminating the fee associated with the placement of a veteran designation on a driver’s license.

**SECTION 56-1-143.** Contribution to Donate Life South Carolina when obtaining or renewing driver’s license.

An applicant for a new or renewal driver’s license, commercial driver’s license, motorcycle driver’s license, identification card, issuance of a vehicle title or transfer of title, or issuance or renewal of a vehicle license plate must be given an opportunity in writing to make a voluntary contribution of five dollars, more or less, to be credited to Donate Life South Carolina established in Section 44-43-1310. Any voluntary contribution must be added to the driver’s license, identification card, title, or license plate fee and must be transferred to the State Treasurer and credited to Donate Life South Carolina as provided for in Section 44-43-1310. An amount equal to the incremental cost of administration of the contribution must be paid by the trust fund from amounts received pursuant to this section to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 before funds are expended by the trust fund.

**HISTORY:** 1996 Act No. 262, Section 4; 2009 Act No. 42, Section 1, eff June 2, 2009; 2016 Act No. 275 (S.1258), Section 12, eff July 1, 2016.

**SECTION 56-1-146.** Surrender of driver’s license by person convicted of certain crimes.

When a person is convicted of or pleads guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011, in this State, the clerk of court must notify by mail, electronic mail, or facsimile the Department of Motor Vehicles within thirty days of the conviction of guilt or nolo contendere plea. The Department of Motor Vehicles must then notify the person who was convicted of the crime of violence as defined in Section 16-23-10(3) that he must surrender his driver’s license or special identification card to the Department of Motor Vehicles by mail or in person, and the Department of Motor Vehicles shall issue to the person by mail or in person a driver’s license or special identification card with the identifying

code as referenced in Section 56-1-148. If the person convicted of a crime of violence as defined in Section 16-23-10(3) fails to surrender his driver's license or special identification card to the Department of Motor Vehicles, the driver's license or special identification card is considered canceled.

HISTORY: 2010 Act No. 277, Section 1, eff July 1, 2011.

Editor's Note

2010 Act No. 277, Section 7, provides:

"This act takes effect July 1, 2011, and applies to all persons convicted of a crime of violence as defined in Section 16-23-10(3)."

**SECTION 56-1-148.** Identifying code affixed on driver's license of person convicted of certain crimes.

(A) As used in this chapter "identifying code" means a symbol, number, or letter of the alphabet developed by the department to identify a person convicted of or pleading guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011. The symbol, number, or letter of the alphabet shall not be defined on the driver's license or special identification card.

(B) In addition to the contents of a driver's license provided for in Section 56-1-140 or a special identification card provided for in Section 56-1-3350, a person who has been convicted of or pled guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011, must have an identifying code determined by the department affixed to the reverse side of his driver's license or special identification card. The code must identify the person as having been convicted of a violent crime. The code must be developed by the department and made known to the appropriate law enforcement officers and judicial officials of this State.

(C) The presence of a special identifying code on a person's driver's license or special identification card may not be used as a grounds to extend the detention of the person by a law enforcement officer or grounds for a search of the person or his vehicle.

(D) The department shall charge a fee of fifty dollars for affixing the identifying code provided in subsection (B). This fee is in addition to the fee provided for in Section 56-1-140. This fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(E) A person whose driver's license or special identification card has been canceled pursuant to Section 56-1-146 may apply for a new license or special identification card in a manner prescribed by the department. The department must issue by mail or in person a new license or special identification card with the identifying code required by this section after payment of the fifty-dollar fee provided in subsection (C). The department must not issue a new driver's license to a person during any period of suspension or revocation for any reason other than Section 56-1-146 and a driver's license may only be issued after the period of suspension or revocation has ended and the person is otherwise eligible to be issued a license.

(F) The intent of placing an identifying code on a driver's license or special identification card that identifies a person who has been convicted of a crime of violence as defined in Section 16-23-10(3) is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated

purpose, this provision is not intended to violate the guaranteed constitutional rights of persons who have violated our state's laws.

(G) If a person's conviction or guilty plea for a crime of violence as defined in Section 16-23-10(3) is reversed on appeal, or if the person is subsequently pardoned, then the person may apply for a driver's license or special identification card that does not have the identifying code affixed.

(H) A person who is not convicted of a subsequent crime of violence as defined in Section 16-23-10(3) for five years after he has completely satisfied the terms of his sentence or during the term of the person's probation or parole, whichever the sentencing judge determines is appropriate, may file an application with the department to have the identifying code affixed to his driver's license or special identification card removed.

(I) A person must provide appropriate supporting documentation prescribed by the department to verify his eligibility to have the identifying code removed pursuant to subsection (F) or (G). Upon verification and payment of the fee provided in Section 56-1-140, the person must be issued a new driver's license or special identification card.

HISTORY: 2010 Act No. 277, Section 2, eff July 1, 2011; 2016 Act No. 275 (S.1258), Section 13, eff July 1, 2016.

Editor's Note

2010 Act No. 277, Section 7, provides:

"This act takes effect July 1, 2011, and applies to all persons convicted of a crime of violence as defined in Section 16-23-10(3)."

**SECTION 56-1-170.** Restricted licenses; penalties for violations; hearings; special restricted driver's licenses.

(A) The Department of Motor Vehicles upon issuing a driver's license has authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the department determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. The department may either issue a special restricted license or may set forth the restrictions on the usual license form. The department shall not discriminate against a handicapped person by treating him in a different manner than it treats a nonhandicapped person. A handicapped person shall have the option of taking the same test as a nonhandicapped person and, upon satisfactory completion of the test, shall be issued a license comparable to which a nonhandicapped person would be qualified to receive. A person who has been issued a driver's license without restrictions who was handicapped at the time of the issuance of the license may have his driver's license renewed without restrictions unless he has received an additional handicap.

The department may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend or revoke the license. A licensee aggrieved by the action of the department may request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with its rules of procedure.

Any person who operates a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him 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.

(B)(1) If a person is employed or enrolled in a college or university at any time while his driver's license is suspended pursuant to this section, he may apply for a special restricted driver's license permitting him to drive only to and from work or his place of education and in the course of his employment or education during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and that he lives further than one mile from his place of employment or place of education.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the department by the licensee.

(3) The fee for each special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee, twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

HISTORY: 1962 Code Section 46-165; 1959 (51) 421; 1979 Act No. 166 Section 1; 1999 Act No. 115, Section 2; 2001 Act No. 79, Section 2.B; 2008 Act No. 279, Section 3, eff October 1, 2008; 2016 Act No. 275 (S.1258), Section 14, eff July 1, 2016.

**SECTION 56-1-171.** Suspension for failure to pay child support; route-restricted license.

(A) A person whose driver's license has been suspended for failure to comply with an order for child support may obtain a special route-restricted driver's license from the Department of Motor Vehicles. The special route-restricted driver's license allows the person to only operate a motor vehicle as transportation between his home and work, or as a part of his work duties, or as transportation to a college, university, technical college, or any other institution of higher learning in which he is enrolled.

(B) If the Department of Motor Vehicles issues a special route-restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the Department of Motor Vehicles by the person.

(C) The fee for a special route-restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles.

(D) The operation of a motor vehicle outside the time limits and route imposed by a special route-restricted driver's license by the person issued that license is a violation of Section 56-1-460.

(E) If after six months of obtaining the special route-restricted driver's license the person is still substantially out of compliance with the order for support, the Department of Social Services shall notify the Department of Motor Vehicles to suspend the special route-restricted driver's

license. The Department of Motor Vehicles shall suspend the special route-restricted driver's license until the Department of Social Services notifies the Department of Motor Vehicles to withdraw the suspension.

(F) The fee for a special route-restricted driver's license must be in accordance with Section 56-1-140.

HISTORY: 2007 Act No. 46, Section 1, eff June 4, 2007.

**SECTION 56-1-175.** Issuance of conditional driver's license.

Section effective until November 19, 2018. See, also, section 56-1-175 effective November 19, 2018.

(A) The Department of Motor Vehicles may issue a conditional driver's license to a person who is at least fifteen years of age and less than sixteen years of age, who has:

- (1) held a beginner's permit for at least one hundred eighty days;
  - (2) passed a driver's education course as defined in subsection (E);
  - (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;
  - (4) passed successfully the road tests or other requirements the department may prescribe;
- and

(5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) A conditional driver's license is valid only in the operation of:

- (1) vehicles during daylight hours. The holder of a conditional license must be accompanied by a licensed adult twenty-one years of age or older after six o'clock p.m. or eight o'clock p.m. during daylight saving time. A conditional driver's license holder may not drive between midnight and six o'clock a.m., unless accompanied by the holder's licensed parent or guardian;
- (2) a motor scooter or light motor-driven cycle of five-brake horsepower or less, during daylight hours.

(C) A conditional driver's license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult who is twenty-one years of age or older. This restriction does not apply when the conditional driver's license holder is transporting family members, or students to or from school.

(D) Daylight hours, as used in this section, means after the hour of six o'clock a.m. and no later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the conditional license may operate a vehicle after six o'clock a.m. and no later than eight o'clock p.m. For purposes of this section, all other hours are designated as nighttime hours.

(E) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instructor permit contained in Section 56-23-85.

(F) For purposes of issuing a conditional driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students.

HISTORY: 1998 Act No. 258, Section 3; 2002 Act No. 181, Section 2.

**SECTION 56-1-175.** Issuance of conditional driver's license.

Section effective November 19, 2018. See, also, section 56-1-175 effective until November 19, 2018.

(A) The Department of Motor Vehicles may issue a conditional driver's license to a person who is at least fifteen years of age and less than sixteen years of age, who has:

- (1) held a beginner's permit for at least one hundred eighty days;
- (2) passed a driver's education course as defined in subsection (D);
- (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;
- (4) passed successfully the road tests or other requirements the department may prescribe; and
- (5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) A conditional driver's license is valid only in the operation of vehicles during daylight hours. The holder of a conditional license must be accompanied by a licensed adult twenty-one years of age or older after six o'clock p.m. or eight o'clock p.m. during daylight saving time. A conditional driver's license holder may not drive between midnight and six o'clock a.m. unless accompanied by the holder's licensed parent or guardian. The accompanying driver must:

- (1) occupy a seat beside the conditional license holder when the conditional license holder is operating a motor vehicle; or
- (2) be within a safe viewing distance of the conditional license holder when the conditional license holder is operating a motorcycle or a moped.

(C) A conditional driver's license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult who is twenty-one years of age or older. This restriction does not apply when the conditional driver's license holder is transporting family members, or students to or from school.

(D) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instructor permit contained in Section 56-23-85.

(E) For purposes of issuing a conditional driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students.

HISTORY: 1998 Act No. 258, Section 3; 2002 Act No. 181, Section 2; 2017 Act No. 89 (H.3247), Section 4, eff November 19, 2018.

**Effect of Amendment**

2017 Act No. 89, Section 4, amended the section, deleting the provision that allows a licensee to operate a motor scooter and the provision that defined the term "daylight hours", and providing the location that an accompanying driver must be seated when the licensee is operating a motor vehicle.

**SECTION 56-1-176.** Conditions for issuance of conditional driver's license and special restricted driver's license.

(A) School attendance is a condition for the issuance of a conditional driver's license and a special restricted driver's license. The Department of Motor Vehicles may not issue a conditional driver's license or a special restricted driver's license to a person pursuant to Section 56-1-175 or Section 56-1-180 unless the person:

(1) has a high school diploma or certificate, or a General Education Development Certificate; or

(2) is enrolled in a public or private school or is home schooled under the provisions contained in Section 59-65-40, 59-65-45, or 59-65-47, and:

(a) the person has conformed to the attendance laws, regulations, and policies of the school, school district, and the State Board of Education, as applicable; and

(b) the person is not suspended or expelled from school.

(B) Documentation of enrollment status must be presented to the department by the applicant on a form approved by the department. The documentation must indicate whether the student is in compliance with the requirements as provided in item (2).

HISTORY: 1998 Act No. 258, Section 4; 2002 Act No. 181, Section 3.

**SECTION 56-1-180.** Special restricted licenses for certain minors.

Section effective until November 19, 2018. See, also, section 56-1-180 effective November 19, 2018.

(A) The Department of Motor Vehicles may issue a special restricted driver's license to a person who is at least sixteen years of age and less than seventeen years of age, who has:

(1) held a beginner's permit for at least one hundred eighty days;

(2) passed a driver's education course as defined in subsection (F);

(3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;

(4) passed successfully the road test or other requirements the department may prescribe; and

(5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) The special restricted driver's license is valid only in the operation of:

(1) vehicles during daylight hours. During nighttime hours, the holder of a special restricted driver's license must be accompanied by a licensed adult, twenty-one years of age or older. The holder of a special restricted driver's license may not drive between midnight and six o'clock a.m., unless accompanied by the holder's licensed parent or guardian. The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with:

(a) employment or the opportunity for employment;

(b) travel between the licensee's home and place of employment or school; or

(c) travel between the licensee's home or place of employment and vocational training;

(2) a motor scooter or light motor-driven cycle of five-brake horsepower or less during daylight hours.

(C) The waiver or modification of restrictions provided for in item (1) must include a statement of the purpose of the waiver or modification executed by the parents or legal guardian

of the holder of the restricted license and documents executed by the driver's employment or school official, as is appropriate, evidencing the holder's need for the waiver or modification.

(D) A special restricted license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult twenty-one years of age or older. This restriction does not apply when the special restricted license holder is transporting family members or students to or from school.

(E) Daylight hours, as used in this section, means after the hour of six o'clock a.m. and no later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the special restricted license may operate a vehicle after six o'clock a.m. and no later than eight o'clock p.m. For purposes of this section, all other hours are designated as nighttime hours.

(F) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instruction permit contained in Section 56-23-85.

(G) For purposes of issuing a special restricted driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students.

**HISTORY:** 1962 Code Section 46-166; 1959 (51) 564; 1960 (51) 1634; 1966 (54) 2424; 1967 (55) 670; 1992 Act No. 490, Section 1998 Act No. 258, Section 10; 2002 Act No. 181, Section 4.

**SECTION 56-1-180.** Special restricted licenses for certain minors.

Section effective November 19, 2018. See, also, section 56-1-180 effective until November 19, 2018.

(A) The Department of Motor Vehicles may issue a special restricted driver's license to a person who is at least sixteen years of age and less than seventeen years of age, who has:

- (1) held a beginner's permit for at least one hundred eighty days;
  - (2) passed a driver's education course as defined in subsection (F);
  - (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;
  - (4) passed successfully the road test or other requirements the department may prescribe;
- and
- (5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) A special restricted driver's license is valid only in the operation vehicles during daylight hours. The holder of a special restricted driver's license must be accompanied by a licensed adult, twenty-one years of age or older after six o'clock p.m. or eight o'clock p.m. during daylight saving time. The holder of a special restricted driver's license may not drive between midnight and six o'clock a.m. unless accompanied by the holder's licensed parent or guardian. The accompanying driver must:

- (1) occupy a seat beside the conditional license holder when the conditional license holder is operating a motor vehicle; or
- (2) be within a safe viewing distance of the conditional license holder when the conditional license holder is operating a motorcycle or a moped.

(C) The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with:

- (1) employment or the opportunity for employment;
- (2) travel between the licensee's home and place of employment or school;
- (3) travel between the licensee's home or place of employment and vocational training;
- (4) travel between the licensee's church, church-related and church-sponsored activities; or
- (5) travel between the licensee's parentally approved sports activities.

(D) The waiver or modification of restrictions provided for in subsection (C) must include a statement of the purpose of the waiver or modification executed by the parents or legal guardian of the holder of the restricted license and documents executed by the driver's employment or school official, as is appropriate, evidencing the holder's need for the waiver or modification.

(E) A special restricted license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult twenty-one years of age or older. This restriction does not apply when the special restricted license holder is transporting family members or students to or from school.

(F) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instruction permit contained in Section 56-23-85.

(G) For purposes of issuing a special restricted driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students.

**HISTORY:** 1962 Code Section 46-166; 1959 (51) 564; 1960 (51) 1634; 1966 (54) 2424; 1967 (55) 670; 1992 Act No. 490, Section 1998 Act No. 258, Section 10; 2002 Act No. 181, Section 4; 2017 Act No. 89 (H.3247), Section 5, eff November 19, 2018.

**Effect of Amendment**

2017 Act No. 89, Section 5, amended the section, deleting the provision that allows a licensee to operate a motor scooter and the provision that defined the term "daylight hours", and providing the location that an accompanying driver must be seated when the licensee is operating a motor vehicle.

**SECTION 56-1-185.** Removal of restrictions postponed; suspension of license.

(A) A person while operating a motor vehicle under a conditional or a special restricted driver's license who is convicted of a traffic offense or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver's license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age.

(B) A person while operating a motor vehicle under a beginner's permit or a conditional or a special restricted driver's license who is convicted of one or more point-assessable traffic offenses totaling six or more points, as determined by the values contained in Section 56-1-720, shall have his license suspended by the Department of Motor Vehicles for six months. This suspension shall not preclude other penalties otherwise provided for the same violations.

HISTORY: 1988 Act No. 532, Section 1; 1998 Act No. 258, Section 11; 2002 Act No. 181, Section 5.

**SECTION 56-1-187.** Permitting dependent to operate motor vehicle without learner's permit or in violation of permit restrictions; civil penalties; admissibility of civil fine in private cause of action.

A parent or guardian who knowingly and wilfully permits his dependent to operate a motor vehicle in violation of a restriction imposed on a beginner's permit pursuant to Section 56-1-50, a conditional driver's license pursuant to Section 56-1-175, or a special restricted driver's license pursuant to Section 56-1-180, or knowingly permits his dependent to operate a motor vehicle without a valid beginner's permit or driver's license, must be assessed a civil fine in an amount up to five hundred dollars. Upon the magistrates or municipal court receiving notice of the dependent's violation through transmittal to the court of the traffic ticket or through other means, the court shall determine the names of the parents or guardians from the records of the Department of Motor Vehicles. The court shall then notify the dependent's parents or guardians by certified mail at the address shown on the traffic ticket, unless the department's records show a different address, of the violation and the fact that they may be subject to a civil fine. Failure to receive the notice does not prohibit the imposition of the civil fine pursuant to this section. If, while operating the motor vehicle in violation of a restriction, the dependent causes great bodily injury or death, the parent or guardian must be assessed a civil fine in an amount up to one thousand dollars. The court may suspend the imposition of the fine, conditioned upon the parent or guardian completing, to the satisfaction of the court, public service with a nonprofit organization, community service, or parenting classes. This section does not apply to a motor vehicle operated on private property. A civil fine imposed pursuant to this section does not give rise to a private cause of action based solely upon the fact that the fine was imposed. The imposition of a civil fine is not admissible for the purpose of establishing the liability of a parent or guardian in a private cause of action to which the parents or guardians are a party.

HISTORY: 2008 Act No. 336, Section 1, eff June 16, 2008.

Editor's Note

2008 Act No. 336, Section 1.A, provides as follows:

"This section may be cited as "Tyler's Law"."

**SECTION 56-1-190.** License must be carried and exhibited on demand.

A licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display it upon demand of an officer or agent of either the Department of Motor Vehicles or the Department of Public Safety or a law enforcement officer of the State. No points pursuant to Section 56-1-720 may be assessed. No points for insurance merit rating system and recoupment purposes may be assessed.

HISTORY: 1962 Code Section 46-167; 1952 Code Section 46-165; 1942 Code Section 5993; 1932 Code Section 5993; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 134, Section 1; 1994 Act No. 497, Part II, Section 36P.

**SECTION 56-1-200.** Duplicate for lost or destroyed license; fee.

(A) If a driver's license is lost or destroyed, the person to whom the license was issued, upon payment of a fee of ten dollars, may obtain a duplicate or substitution of it upon furnishing proof satisfactory to the Department of Motor Vehicles that the license has been lost or destroyed.

(B) Three dollars of the revenue from each fee collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund based on the actual date of receipt by the Department of Motor Vehicles.

(C) The balance of the revenue from each fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1962 Code Section 46-168; 1952 Code Section 46-169; 1942 Code Section 5995; 1933 (38) 554; 1947 (45) 74; 1959 (51) 421; 1994 Act No. 497, Part II, Section 55C; 2005 Act No. 176, Section 7, eff June 14, 2005; 2008 Act No. 353, Section 2, Pt 13E, eff July 1, 2009; 2016 Act No. 275 (S.1258), Section 15, eff July 1, 2016.

**SECTION 56-1-205.** Hearing impaired designations on driver's licenses.

An applicant for the issuance or renewal of a driver's license may request that a notation be placed on the license indicating that the applicant is hearing impaired.

The department shall place the notation on the driver's license if requested by the applicant and if the applicant provides an original certificate from a licensed physician, as defined in Section 40-47-5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears.

This section shall apply to a driver's license issued after 2012.

HISTORY: 2012 Act No. 147, Section 3.A, eff April 23, 2012.

**SECTION 56-1-210.** Expiration of license; renewal and re-examination; persons on active military duty.

(A) A license issued or renewed on or after October 1, 2017, expires on the licensee's birth date on the eighth calendar year in which it is issued.

(B) A license is renewable on or before its expiration date upon application and the payment of the required fee.

(C) The department may renew a driver's license of a resident by mail or electronically upon payment of the required fee, if the renewal is a digitized license.

(D) For cause shown, the department may require the submission by the applicant of evidence satisfactory to the department of the applicant's mental and physical fitness to drive and his knowledge of traffic laws and regulations. If the evidence is not satisfactory to the department, the department may require an examination of the applicant as upon an original application. Parallel parking is not required as a part of the driver's test.

(E) If a person's license expires and he is unable to renew it before its expiration date because he is on active military duty outside this State for a continuous period of at least thirty days immediately before the expiration date or because he is the spouse or dependent living for a continuous period of at least thirty days immediately before the expiration date with a person on active military duty outside this State, within sixty days after returning to this State, the person may renew his license in the manner permitted by this section as though the license had not expired. The department may require proof from the person that he qualifies for renewal of his

license under this paragraph. Upon request, the person shall provide the department with a copy of his military service record, a document of his branch of military service showing the date of active military duty outside the State, or other evidence presented by the person showing the dates of service.

**HISTORY:** 1962 Code Section 46-169; 1952 Code Section 46-166; 1942 Code Section 5994; 1932 Code Section 5994; 1930 (36) 1057; 1945 (44) 32; 1959 (51) 421; 1965 (54) 649; 1967 (55) 330; 1982 Act No. 352; 1988 Act No. 372; 1994 Act No. 487, Section 1; 1994 Act No. 497, Part II, Section 55D; 1996 Act No. 459, Section 74; 2003 Act No. 51, Section 13; 2017 Act No. 6 (H.3358), Section 5, eff April 5, 2017.

**Effect of Amendment**

2017 Act No. 6, Section 5, amended (A), (C), and (D), revising the expiration date of a license issued after October 1, 2017, revising the criteria that must be met by a person who seeks to have a license renewed, and making other nonsubstantive changes.

**SECTION 56-1-215.** Renewal of expired license.

Notwithstanding any other provision of law, if a person's license expires, the person may have his license renewed without taking the road test or a written examination required pursuant to Section 56-1-130 if the person applies for his license renewal within nine months of the expiration of his license.

**HISTORY:** 2003 Act No. 51, Section 20.

**SECTION 56-1-218.** Driver's license extensions.

(A) Notwithstanding any other provision of law, a member of the Armed Forces of the United States, who is deployed or mobilized outside of this State, or receives orders for a permanent change of station outside of this State, or a civilian employee of the Department of Defense performing temporary duty outside of the State in support of the armed forces, whose license expires while serving outside of this State or whose license expires within ninety days from the beginning of service outside of this State, may apply for an extension on the expiration of the license.

(B) The department must grant the extension if the service member, or a civilian employee of the Department of Defense, provides copies of the orders that require service outside of this State and a valid military identification card, or in the case of a civilian employee, the civilian employee's Department of Defense issued identification card, or military orders supporting services outside of the State. The extension shall expire ninety days after the member is discharged from the service or returns to this State. If the orders do not specify a return date, the service member is deemed to have returned on the date that the commanding officer of the unit provides as the return date to the department. The license is deemed to expire only upon the expiration of the extension.

(C) The provisions of this section also apply to dependents residing with the service member.

(D) The department may prescribe forms and policies to implement the provisions of this section. The department must post the application form on its website, and the application must be able to be processed by mail or electronically.

**HISTORY:** 2014 Act No. 285 (S.999), Section 1, eff June 9, 2014.

**SECTION 56-1-220.** Vision screenings required for initial license; certification of minimum standards for renewal; unlawful operation of vehicle with defective vision; penalty.

(A) The department shall require vision screening for all persons obtaining an initial license. The vision screening may be waived upon the submission of a certificate of vision examination dated within the previous twelve months from an ophthalmologist or optometrist licensed in any state.

(B) The renewal license forms distributed by the department must be designed to contain a certification that the vision of the person screened meets the minimum standards required by the department or have been corrected to meet these requirements if a screening is required. The certification must be executed by the person conducting the screening. The minimum standards of the department shall not require a greater degree of vision than 20/40 corrected in one eye. Persons using bioptic lenses must adhere to the provisions contained in Section 56-1-222.

(C) A person whose vision is corrected to meet the minimum standards shall have the correction noted on his driver's license by the department.

(D) It is unlawful for a person whose vision requires correction in order to meet the minimum standards of the department to drive a motor vehicle in this State without the use of the correction.

(E) Unless otherwise provided in this section, any person violating the provisions of 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.

HISTORY: 1962 Code Section 46-169.1; 1965 (54) 649; 1993 Act No. 181, Section 1302; 2003 Act No. 51, Section 14; 2016 Act No. 275 (S.1258), Section 16, eff July 1, 2016; 2017 Act No. 6 (H.3358), Section 6, eff April 5, 2017.

Effect of Amendment

2017 Act No. 6, Section 6, in (A), substituted "The department shall require vision screening for all persons obtaining an initial license" for "Vision screenings are required for all persons before having their licenses renewed by the Department of Motor Vehicles"; deleted former (B) and (C), relating to a certificate from an ophthalmologist or optometrist and exceptions relating to the year 2008; redesignated the remaining paragraphs accordingly; and in (B), inserted "if a screening is required", and added the fourth sentence.

**SECTION 56-1-221.** Medical Advisory Board.

(A) There is created an advisory board composed of thirteen members. One member must be selected by the Commissioner of the Department of Health and Environmental Control from his staff, ten members must be appointed by the South Carolina Medical Association, and two members must be appointed by the South Carolina Optometric Association. The member selected by the Commissioner of the Department of Health and Environmental Control must be the administrative officer of the advisory board. To the maximum extent possible, the members of the board appointed by the South Carolina Medical Association and the South Carolina Optometric Association must be representative of the disciplines of the medical and optometric community treating the mental or physical disabilities that may affect the safe operation of motor vehicles. The identity of physicians and optometrists serving on the board, other than the administrative officer, may not be disclosed except as necessary in proceedings under Sections 56-1-370 or 56-1-410. The members of the board may receive no compensation.

(B) The board shall advise the executive director of the Department of Motor Vehicles on medical criteria and vision standards relating to the licensing of drivers.

(C) Having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, the Department of Motor Vehicles may obtain the advice of the board. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the board or any other qualified person it may designate. The additional examination is at the expense of the applicant or licensed driver. The licensed driver or applicant may cause a written report to be forwarded to the board by a physician or optometrist of his choice, and it must be given consideration by the board.

(D) Members of the board and other persons making examinations are not liable for their opinions and recommendations presented pursuant to subsection (C).

(E) Reports received or made by the board or its members for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board and the department and may not be divulged to a person or used as evidence in a trial except that the reports may be admitted in proceedings under Sections 56-1-370 and 56-1-410, and a person conducting an examination pursuant to subsection (C) may be compelled to testify concerning his observations and findings in those proceedings.

HISTORY: 1988 Act No. 667.

**SECTION 56-1-222.** Driver's licenses issued to wearers of bioptic telescopic lenses.

(A) Notwithstanding the provisions contained in Section 56-1-220, a person diagnosed with low vision acuity who uses bioptic telescopic lenses for vision assistance may be issued a driver's license by the Department of Motor Vehicles if he:

- (1) submits a vision report form that complies with subsection (B);
- (2) submits proof that he has been trained to operate a motor vehicle while wearing bioptic telescopic lenses as evidenced by having completed successfully a driver-training course or program that meets the criteria listed in subsection (C) for these programs; and
- (3) meets all other qualifications for obtaining a driver's license, including passing the department-administered road test while wearing bioptic telescopic lenses. A person applying for a driver's license pursuant to this section who fails to pass the road test after three attempts must present certification of repeat completion of a driver-training course or program that meets the criteria listed in subsection (C).

(B) An applicant for a driver's license who will use bioptic telescopic lenses for vision assistance while driving must submit a vision report form supplied by the department. The report must be completed by an optometrist or ophthalmologist. The report must include:

- (1) the applicant's vital data;
- (2) the bioptic telescopic system vendor's name and type, strength (in X-power), and the date the bioptic telescopic system was dispensed to the applicant;
- (3) a statement regarding whether the applicant has a potentially progressive condition; and
- (4) certification by an optometrist or ophthalmologist that the applicant:
  - (a) is not impaired in the movement of his eyes, head, or neck;
  - (b) possesses sound cognitive and perceptual skills, reaction time, range of motion, and coordination of upper and lower extremities needed to operate a motor vehicle;
  - (c) is able to detect and recognize the colors of traffic signals and devices showing standard red, green, and amber colors or passes the large disc D-15 color test, or both;

(d) has visual acuity of at least 20/120 in the better functioning eye when looking through the carrier lens of a bioptic telescopic aid;

(e) has improved visual acuity of at least 20/40 using the bioptic telescopic aid in the better functioning eye;

(f) has a binocular horizontal visual field diameter of not less than one hundred twenty degrees and a vertical field of not less than eighty degrees without the use of visual field expanders. If the applicant is monocular, the horizontal visual field may not be less than seventy degrees temporally and thirty-five degrees nasally;

(g) has the signed approval of an optometrist or ophthalmologist to apply for driving privileges using a bioptic telescope;

(h) has successfully completed an In-Clinic Pre-Driver Bioptic Evaluation and Training Program as contained in subsection (C) that was provided by a doctorate level Eye Care Professional (ECP), Certified Driving Rehabilitation Specialist (CDRS), Certified Low Vision Therapist (CLVT), or Certified Orientation and Mobility Specialist (COMS), or such other designations of qualification as may be recognized by the department who are certified in Bioptic Driving Training; and

(i) has successfully completed a recognized Bioptic Driving Behind-the-Wheel Training Program provided by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training recognized by the department.

(C) A person applying for a driver's license pursuant to this section must complete successfully a bioptic driver training course or program certified to train individuals to use bioptic telescopic glasses while operating a motor vehicle. The applicant must pass this training before he is eligible to take the behind-the-wheel driver's test administered by the department. This program shall consist of the following two parts:

(1) Part 1 is the In-Clinic Pre-Driver Bioptic Evaluation and Training Program and is supervised or reviewed by the optometrist or ophthalmologist that prescribed the bioptic telescope. This portion of the program is conducted by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training recognized by the department. An applicant must satisfactorily complete all components of Part 1 prior to advancing to the behind-the-wheel aspect of the Bioptic Training Program.

(a) The evaluation portion of Part 1 includes a preliminary interview, an assessment of cognitive and perceptual skills, a commentary drive screening, a reaction time screening, and a preliminary in-car driver's evaluation (including an upper and lower extremities and range of motion skills screening) by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department.

(b) The training portion of Part 1 requires a minimum of ten hours of commentary driving skills training as a front seat passenger. Commentary driver training must include, but is not limited to, instruction and reinforcement in the following areas:

(i) space cushion driving skills;

(ii) critical object awareness skills;

(iii) basic bioptic utilization skills;

(iv) joining and leaving traffic formations; and

(v) lane changing skills (including mirror and blind spot awareness skills).

(2) Part 2 is the Behind-the-Wheel Bioptic Driving Program. This program is conducted on-road by an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training. The course or program must consist of the following minimum training requirements:

(a) for a person with no previous driving experience, the course shall consist of at least thirty hours of behind-the-wheel driving skills with a bioptic telescopic lens system in place and under the supervision of an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training. For a person with previous driving experience, the course shall consist of at least twenty hours behind-the-wheel driving skills under the supervision of an ECP, CDRS, CLVT, COMS, or such other designations of qualification as recognized by the department who has certification in Bioptic Driving Training;

(b) review and integrated reinforcement of the proper and appropriate use of the bioptic telescopic lens system while driving a motor vehicle, including cleaning and focusing procedures and vertical spotting exercises; and

(c) the award of a Certificate of Completion of Training to a trainee when he successfully completes the Behind-the-Wheel Bioptic Driver's Training Program. He must present this certificate to the department in order to take the on-the-road portion of the driver's license test with his bioptic telescope system in place. He also shall provide a copy of the certificate to the supervising optometrist or ophthalmologist.

The applicant must apply for a driver's license and take the department road test within twelve months of having completed the Behind-the-Wheel Bioptic Driving Program. The road test is the same standard road test taken by all other persons applying for a regular driver's license.

(D) A person who is licensed to drive using bioptic telescopic aid is subject to restrictions placed on his license. Restrictions may include, but are not limited to:

(1) driving only during daylight hours;

(2) the vehicle being operated by the bioptic driver must be equipped with both left and right side mirrors;

(3) the bioptic driver shall not be permitted to operate a motorcycle, moped, or motor scooter;

(4) the bioptic driver may not drive during adverse weather conditions that significantly reduce the visibility of the roadway or other traffic and traffic control devices;

(5) a maximum speed of fifty miles per hour;

(6) no other mental or physical handicaps; and

(7) no driving on an interstate highway.

Any restrictions must be confirmed and finalized by the department's certified driver licensing examining officer. Any restrictions must be eligible for review and reconsideration after one year, as determined and recommended by the examining optometrist or ophthalmologist and approved by the department.

(E) An applicant who is issued a driver's license pursuant to this section must have the low vision report updated annually within sixty days of the annual anniversary date of driver's licensure by an optometrist or ophthalmologist and submit it to the department for review. The eye care professional that examines the applicant and completes the report shall indicate at the top of the report whether the applicant's vision condition has deteriorated so that the applicant no longer meets the requirements of subsection (B)(4). The department shall review the report.

(F) If the report indicates a progressive loss of vision but the applicant still meets the vision requirements of subsection (B)(4), the applicant may be required to take additional driver training and additional on-road testing before his license may be renewed.

(G) If the report indicates that the applicant no longer meets the requirements of subsection (B)(4), the department immediately shall revoke the license held by the applicant. To be issued a new valid license, the applicant must retake the department-administered road test and meet the requirements of subsection (B)(4).

(H) Nothing in this section permits an applicant who uses bioptic telescopic lenses for vision assistance to apply for a license to operate a motorcycle or a commercial driver's license.

HISTORY: 2016 Act No. 196 (S.21), Section 1, eff June 3, 2017.

Editor's Note

2016 Act No. 196, Section 2, provides as follows:

“SECTION 2. The department shall promulgate any regulations as may be necessary to implement the provisions of Section 1.”

**SECTION 56-1-225.** Reexamination of drivers involved in four accidents within twenty-four months.

Any person licensed to drive a motor vehicle in this State who is involved as a driver in four accidents in any twenty-four month period, which are reported to the director, may, in the discretion of the Department of Motor Vehicles, be required to take any portion of the driver's license examination deemed appropriate. Any person who has had four such accidents and fails to submit to such test within thirty days after having been notified by the department shall have his driver's license suspended until he takes and passes such test.

HISTORY: 1976 Act No. 733 Sections 1, 2; 1993 Act No. 181, Section 1303; 1996 Act No. 459, Section 246A.

**SECTION 56-1-230.** Notification of change of address or name.

Whenever any person after applying for or receiving a driver's license shall move permanently from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise, such person shall within ten days thereafter notify the Department of Motor Vehicles in writing of his old and new address or of such former and new name and of the number of any license then held by him.

HISTORY: 1962 Code Section 46-170; 1952 Code Section 46-168; 1942 Code Section 5988; 1932 Code Section 5988; 1930 (36) 1057; 1959 (51) 421.

**SECTION 56-1-240.** Cancellation and surrender of license.

The Department of Motor Vehicles may cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof or that the licensee failed to give the required or correct information in his application or committed any fraud in making such application and for such other causes as may be authorized by law.

Upon such cancellation the licensee must surrender the license so cancelled by the Department.

HISTORY: 1962 Code Section 46-171; 1952 Code Section 46-172; 1942 Code Section 5990; 1932 Code Section 5990; 1930 (36) 1057; 1959 (51) 421.

**SECTION 56-1-245.** Conditions for waiver of license reinstatement fee.

If a driver's license is suspended or revoked because the licensee is determined by the Department of Motor Vehicles to have no motor vehicle liability insurance, the department shall waive the reinstatement fee imposed pursuant to Section 56-1-390 if the licensee had motor vehicle liability coverage when his license was suspended or revoked. The director shall document his reasons for waiving the fee in the records of the department.

HISTORY: 1992 Act No. 427; 1992 Act No. 443, Section 2.

**SECTION 56-1-250.** Cancellation of license or permit upon death of person signing minor's application.

The Department of Motor Vehicles upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license or permit shall cancel such license or permit and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this article.

HISTORY: 1962 Code Section 46-172; 1959 (51) 421.

**SECTION 56-1-260.** Effect of cancellation of license.

The cancellation of a driver's license is without prejudice, and application for a new license may be made at any time after such cancellation.

HISTORY: 1962 Code Section 46-173; 1959 (51) 421.

**SECTION 56-1-270.** Suspension, revocation, or restriction of license on re-examination.

The Department of Motor Vehicles having good cause to believe that a person holding a South Carolina driver's license is incompetent or otherwise not qualified to be licensed because of physical or mental disability may, upon written notice of at least ten days to the licensee, require him to submit to an examination. Upon the conclusion of such examination the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license or may issue a license subject to restrictions permitted under Section 56-1-170. The license of any person may be suspended or revoked if they refuse or neglect to submit to such an examination.

HISTORY: 1962 Code Section 46-174; 1952 Code Sections 46-174 to 46-176; 1942 Code Section 5996; 1932 Code Section 5996; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 1304; 1996 Act No. 459, Section 75.

**SECTION 56-1-280.** Mandatory suspension or revocation.

The Department of Motor Vehicles shall revoke or suspend the license of any driver upon receiving a record of such driver's conviction of any offense for which revocation or suspension is required by law.

The department shall revoke the driver's license of any person upon receiving notice of the conviction of such person for:

- (1) Manslaughter resulting from the operation of a motor vehicle; or
- (2) Any felony under the laws of this State in the commission of which a motor vehicle is used.

HISTORY: 1962 Code Section 46-175; 1952 Code Section 46-173; 1942 Code Section 5996; 1932 Code Section 5996; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 11996 Act No. 459, Section 76.

**SECTION 56-1-285.** Revocation or refusal to renew license for nonpayment of fees.

The Department of Motor Vehicles may revoke or refuse to renew the driving privilege of a person for failure to remit a tax or fee administered by the department. Upon payment of all taxes and fees administered by the department, and the payment of any applicable fee, the department may reinstate a person's driving privilege.

HISTORY: 1996 Act No. 459, Section 77.

**SECTION 56-1-286.** Suspension of license or permit or denial of issuance of license or permit to persons under the age of twenty-one who drive motor vehicles with certain amount of alcohol concentration.

(A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty-one who drives a motor vehicle and has an alcohol concentration of two one-hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63-19-2440, 63-19-2450, 56-5-2930, or 56-5-2933, arising from the same incident.

(B) A person under the age of twenty-one who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath or blood for the purpose of determining the presence of alcohol.

(C) A law enforcement officer who has arrested a person under the age of twenty-one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty-one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty-one who has consumed alcoholic beverages.

(D) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer's direction, the person first must be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal

Justice Academy, pursuant to the State Law Enforcement Division's policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out the subsection's provisions. The costs of the tests administered at the officer's direction must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

The person tested or giving samples for testing may have a qualified person of the person's choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood tests is not admissible against the person in any proceeding. The person's failure or inability to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer's direction. The officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in a judicial or administrative proceeding.

(E) A qualified person and the person's employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the primary investigating officer's direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) If a person refuses upon the primary investigating officer's request to submit to chemical tests as provided in subsection (C), the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) six months; or

(2) one year, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(G) If a person submits to a chemical test and the test result indicates an alcohol concentration of two one-hundredths of one percent or more, the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) three months; or

(2) six months, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(H) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension pursuant to subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which the person is enrolled. After the person's driving privilege is restored, the person shall continue to participate in the Alcohol and Drug Safety Action Program in which the person is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the person completes the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege may be restored at the conclusion of the suspension period.

(I) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) the person does not have to take the test or give the samples but that the person's privilege to drive must be suspended or denied for at least six months if the person refuses to submit to the tests, and that the person's refusal may be used against the person in court;

(2) the person's privilege to drive must be suspended for at least three months if the person takes the test or gives the samples and has an alcohol concentration of two one-hundredths of one percent or more;

(3) the person has the right to have a qualified person of the person's own choosing conduct additional independent tests at the person's expense;

(4) the person has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if the person does not request a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the contested case hearing.

The primary investigating officer promptly shall notify the department of a person's refusal to submit to a test requested pursuant to this section as well as the test result of a person who submits to a test pursuant to this section and registers an alcohol concentration of two one-hundredths of one percent or more. The notification must be in a manner prescribed by the department.

(J) If the test registers an alcohol concentration of two one-hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 if the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the

person must be penalized for driving while the person's license is suspended pursuant to Section 56-1-460.

(K) Within thirty days of the issuance of the notice of suspension the person may:

(1) obtain a temporary alcohol license by filing with the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

(L) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

(M) If a person does not request a contested case hearing, the person has waived the person's right to the hearing and the person's suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

(N) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of the person's right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person shall enroll in an Alcohol and Drug Safety Action Program, and the person waives the person's right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

(O) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in subsection

(I);

(3) refused to submit to a test pursuant to this section; or

(4) consented to taking a test pursuant to this section, and the:

(a) reported alcohol concentration at the time of testing was two one-hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to this section;

(c) test administered and samples taken were conducted pursuant to this section; and

(d) the machine was operating properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing.

(P) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

(Q) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

(R) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license or permit.

(S) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(T) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

(U) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

(V) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one-hundredths of one percent.

HISTORY: 1998 Act No. 434, Section 2; 2000 Act No. 390, Sections 3-5; 2001 Act No. 79, Section 2.C; 2003 Act No. 61, Section 4; 2006 Act No. 381, Section 8, eff June 13, 2006; 2008 Act No. 201, Section 2, eff February 10, 2009; 2012 Act No. 212, Section 2, eff June 7, 2012; 2012 Act No. 264, Section 2, eff June 18, 2012; 2014 Act No. 158 (S.137), Section 2, eff October 1, 2014; 2016 Act No. 275 (S.1258), Section 17, eff July 1, 2016.

**SECTION 56-1-288.** Tax refund garnishment for failure to comply with financial responsibility.

The Department of Motor Vehicles may garnish a person's income tax refund instead of revoking a person's driver's license or vehicle registration for failure to satisfy financial responsibility requirements of Title 56.

HISTORY: 1996 Act No. 459, Section 78.

**SECTION 56-1-290.** Revocation for operating unlicensed taxis in certain counties.

In addition to the grounds for suspension or revocation of license set forth elsewhere in this article and in Chapter 5 of this title, the Department of Motor Vehicles shall forthwith revoke for a period of six months the license of any person upon receiving satisfactory evidence of the conviction of any such person who has been found guilty of operating a vehicle for hire without a license in violation of Section 58-23-1210.

HISTORY: 1962 Code Section 46-176; 1954 (48) 1791; 1993 Act No. 181, Section 1306; 1996 Act No. 459, Section 79.

**SECTION 56-1-292.** Suspension for failure to pay for gasoline.

In addition to the grounds for suspension or revocation of a driver's license provided in this article and in Chapter 5 of this title, the Department of Motor Vehicles shall suspend the driver's license of a person upon receiving satisfactory evidence that the person has been convicted of a violation of Section 16-13-185 and that the sentencing judge has imposed a sentence which includes a suspension of the person's driver's license.

HISTORY: 2000 Act No. 223, Section 2.

**SECTION 56-1-300.** Suspension or revocation of license without preliminary hearing.

In addition to other authority of law, the Department of Motor Vehicles may suspend or revoke the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that licensee:

- (1) Has been convicted of an offense for which mandatory revocation or suspension is required upon conviction; or
- (2) Has been convicted of an offense in another state which if committed in this State would be grounds for suspension or revocation.

HISTORY: 1962 Code Section 46-177; 1959 (51) 421; 1993 Act No. 181, Section 1307; 1996 Act No. 459, Section 80.

**SECTION 56-1-310.** Suspension or revocation of nonresident's driving privilege.

The privilege of driving a motor vehicle on the highways of this State given to a nonresident under this article shall be subject to suspension or revocation by the Department of Motor Vehicles in like manner and for like cause as a driver's license issued under the laws of this State may be suspended or revoked.

HISTORY: 1962 Code Section 46-178; 1959 (51) 421; 1993 Act No. 181, Section 1308; 1996 Act No. 459, Section 81.

**SECTION 56-1-320.** Suspension or revocation of resident's license or nonresident's driving privilege upon conviction in another state.

(A) The Department of Motor Vehicles may, in its discretion, suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of the person in another state of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the South Carolina license.

However, if a resident of this State has his driver's license revoked or suspended for a motor vehicle violation in another jurisdiction, the department must review the revocation or suspension period for the out-of-state conviction and apply the laws of this State if the out-of-state revocation or suspension period exceeds the revocation or suspension period provided under the laws of this State for that offense. If the laws of this State are applied to an out-of-state conviction, the department must restore the person's privilege to drive in South Carolina once the person has cleared the suspension pursuant to this title, regardless of whether the person's privilege to drive has been restored in the state where the conviction occurred, provided the person is otherwise eligible for the issuance or renewal of a South Carolina license. If the laws of this State, which are applied to an out-of-state conviction, permit the issuance of a special route restricted driver's license for transportation between home and work, college, or university, the department shall permit a special route restricted license according to the requirements of this state's applicable law.

If another state restores limited or restricted driving privileges to the person whose license has been suspended or revoked, the restoration of privileges shall also be valid in this State, and the department must issue a driver's license to the person under the same terms and conditions under which driving is authorized in the state of conviction.

(B) The department may not refuse to issue or renew a driver's license to a person who:

(1) is still under suspension or revocation in another jurisdiction for an out-of-state conviction which was not reported to the department within the one-year period provided for in Section 56-1-650(C);

(2) has received notice of clearance from the jurisdiction where the revocation or suspension has terminated or that all requirements necessary for reissuance of driving privileges in that jurisdiction are met; or

(3) does not have a letter of clearance from the jurisdiction where the conviction occurred and is still under suspension or revocation in that jurisdiction for a conviction which was not reported to the department within the one-year period provided for in Section 56-1-650(C).

HISTORY: 1962 Code Section 46-179; 1959 (51) 421; 1976 Act No. 484; 1993 Act No. 181, Section 1309; 1996 Act No. 459, Section 82; 1997 Act No. 150, Section 2; 1998 Act No. 258, Section 1; 1999 Act No. 115, Section 3.

**SECTION 56-1-330.** Courts shall report certain convictions.

Every court having jurisdiction over offenses committed under this article or other state laws or municipal ordinances regulating the operation of motor vehicles on highways shall forward to the Department of Motor Vehicles a record of the conviction of any person in such court for a violation of such laws other than regulations governing standing or parking where a matter of safety is not involved.

HISTORY: 1962 Code Section 46-180; 1952 Code Section 46-171; 1942 Code Section 5998; 1932 Code Section 5998; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 1310; 1996 Act No. 459, Section 83.

**SECTION 56-1-340.** Reports of convictions and records may be sent to other states; fees.

The Department of Motor Vehicles may, upon receiving a record of the conviction in this State of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this State, forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. Whenever the department receives a request for a driver's record from another state, the record shall be forwarded without charge.

HISTORY: 1962 Code Section 46-181; 1959 (51) 421; 1993 Act No. 181, Section 1311; 1996 Act No. 459, Section 84.

**SECTION 56-1-345.** Fees charged for Freedom of Information Act request.

The Department of Motor Vehicles may charge and collect fees in accordance with Section 30-4-30 of the Freedom of Information Act for providing copies of registration, title, and driver's license information records maintained by the department.

HISTORY: 2003 Act No. 51, Section 7.

**SECTION 56-1-350.** Notice of cancellation, suspension, or revocation of license; surrender of license.

In all cases of cancellation, suspension, or revocation of drivers' licenses, the Department of Motor Vehicles shall notify the licensee as prescribed in Section 56-1-360 that his license has been canceled, suspended, or revoked, and such licensee shall within ten days after notice of cancellation, suspension, or revocation return his license to the department. Any person wilfully failing to return his license as required by this section may, on conviction thereof, be fined one hundred dollars or imprisoned for thirty days.

HISTORY: 1962 Code Section 46-182; 1952 Code Section 46-172; 1942 Code Section 5990; 1932 Code Section 5990; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 1312; 1996 Act No. 459, Section 85.

**SECTION 56-1-360.** Form and proof of notice.

When notice is required concerning a person's driver's license, the notice must be given by the Department of Motor Vehicles by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the driver's license records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department or his designee that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

HISTORY: 1962 Code Section 46-183; 1952 Code Section 46-172; 1942 Code Section 5990; 1932 Code Section 5990; 1930 (36) 1057; 1959 (51) 421; 1989 Act No. 169, Section 1; 1993 Act No. 181, Section 1313; 1996 Act No. 459, Section 86.

**SECTION 56-1-365.** Surrender of driver's license; fine; Department of Motor Vehicles to receive disposition and license surrender information; notice to defendant of suspension or revocation; multiple offenses; punishable offense.

(A) A person who forfeits bail posted for, is convicted of, or pleads guilty or nolo contendere in general sessions, municipal, or magistrates court to an offense which requires that his driver's license be revoked or suspended shall surrender immediately or cause to be surrendered his driver's license to the clerk of court or magistrate upon the verdict or plea. The defendant must be notified at the time of arrest of his obligation to bring, and surrender his license, if convicted, to the court or magistrate at the time of his trial, and if he fails to produce his license after conviction, he may be fined in an amount not to exceed two hundred dollars. If the defendant fails subsequently to surrender his license to the clerk or magistrate immediately after conviction, he must be fined not less than fifty dollars nor more than two hundred dollars.

(B) The Department of Motor Vehicles shall electronically receive disposition and license surrender information from the clerk of court or magistrate immediately after receipt. Along with the driver's license, the clerks and magistrates must give the department's agents tickets, arrest warrants, and other documents or copies of them, including any reinstatement fee paid at the time of the verdict, guilty plea, or plea of nolo contendere, as necessary for the department to process the revocation or suspension of the licenses. If the department does not collect the license surrender information and disposition immediately, the magistrate or clerk must forward the license surrender information, disposition, and other documentation to the department within five business days after receipt. A clerk or magistrate who wilfully fails or neglects to forward the driver's license and disposition as required in this section is liable to indictment and, upon conviction, must be fined not exceeding five hundred dollars.

(C) The department shall notify the defendant of the suspension or revocation. Except as provided in Section 56-5-2990, if the defendant surrendered his license to the magistrate or clerk immediately after conviction, the effective date of the revocation or suspension is the date of surrender. If the magistrate or clerk wilfully fails to electronically forward the disposition and license surrender information to the department within five business days, the suspension or revocation does not begin until the department receives and processes the license and ticket, provided that the end date of the term of suspension or revocation shall be calculated from the date of surrender and not the date the department receives and processes the ticket.

(D) If the defendant is already under suspension for a previous offense at the time of his conviction or plea, the court shall use its judicial discretion in determining if the period of suspension for the subsequent offense runs consecutively and commences upon the expiration of the suspension or revocation for the prior offense, or if the period of suspension for the subsequent offense runs concurrently with the suspension or revocation of the prior offense.

(E) If the defendant fails to surrender his license, the suspension or revocation operates as otherwise provided by law.

(F) If the defendant surrenders his license, upon conviction, and subsequently files a notice of appeal, the appeal acts as a supersedeas as provided in Section 56-1-430. Upon payment of a ten-dollar fee and presentment by the defendant of a certified or clocked-in copy of the notice of appeal, the department shall issue him a certificate which entitles him to operate a motor vehicle

for a period of six months after the verdict or plea. The certificate must be kept in the defendant's possession while operating a motor vehicle during the six-month period, and failure to have it in his possession is punishable in the same manner as failure to have a driver's license in possession while operating a motor vehicle.

HISTORY: 1988 Act No. 532, Section 30; 1993 Act No. 181, Section 1314; 1996 Act No. 459, Section 87; 1998 Act No. 379, Section 3; 1999 Act No. 100, Part II, Section 104; 2008 Act No. 201, Section 18, eff 12:00 p.m. February 10, 2009; 2016 Act No. 185 (H.3685), Section 4, eff January 1, 2017.

**SECTION 56-1-370.** Review of cancellation, suspension, or revocation of license.

The licensee may, within ten days after notice of suspension, cancellation, or revocation, except in cases where the suspension, cancellation, or revocation is made mandatory upon the Department of Motor Vehicles, request in writing an administrative hearing with the Division of Motor Vehicle Hearings in accordance with the rules of procedure of the Administrative Law Court and the State Administrative Procedures Act, in the judicial circuit where the licensee was arrested unless the Division of Motor Vehicle Hearings and the licensee agree that the hearing may be held in another jurisdiction. The hearing must be heard by a hearing officer of the Division of Motor Vehicle Hearings. Upon the review, the hearing officer shall either rescind the department's order of suspension, cancellation, or revocation or, good cause appearing therefor, may continue, modify, or extend the suspension, cancellation, or revocation of the license. If the administrative hearing results in the continued suspension, cancellation, or revocation of the license, the term of the suspension, cancellation, or revocation of the license is deemed to commence upon the date of the administrative hearing, as long as information is transmitted electronically to the Department of Motor Vehicles on the date of the hearing, and not on the date of the notice provided by the Department of Motor Vehicles.

HISTORY: 1962 Code Section 46-184; 1952 Code Section 46-177; 1942 Code Section 5996; 1932 Code Section 5996; 1930 (36) 1057; 1959 (51) 421; 1980 Act No. 501; 1988 Act No. 616, Section 1; 1993 Act No. 181, Section 1315; 1996 Act No. 459, Section 88; 2006 Act No. 381, Section 4, eff June 13, 2006; 2016 Act No. 185 (H.3685), Section 5, eff January 1, 2017.

**SECTION 56-1-380.** Period of suspension or revocation; renewal or restoration of license.

The Department of Motor Vehicles shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as otherwise permitted or authorized by law.

Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of at least one year from the date on which the revoked license was surrendered to and received by the department, or as may otherwise be provided for by law, such person may make application for a new license as provided by law, but the department shall not then issue a new license unless and until it is satisfied, after investigation of the character, habits, and driving ability of such person, that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

HISTORY: 1962 Code Section 46-185; 1952 Code Section 46-172; 1942 Code Section 5990; 1932 Code Section 5990; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 1316; 1996 Act No. 459, Section 89.

**SECTION 56-1-385.** Reinstatement of permanently revoked driver's license.

(A) Notwithstanding any other provision of law, a person whose driver's license or privilege to operate a motor vehicle has been revoked permanently pursuant to Section 56-5-2990, excluding persons convicted of felony driving under the influence of alcohol or another controlled substance under Section 56-5-2945, may petition the circuit court in the county of his residence for reinstatement of his driver's license and shall serve a copy of the petition upon the solicitor of the circuit. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person's driver's license upon the following conditions:

(1) the person must not have been convicted in this State or any other state of an alcohol or drug violation during the previous seven-year period;

(2) the person must not have been convicted of or have charges pending in this State or another state for a violation of driving while his license is canceled, suspended, or revoked during the previous seven-year period;

(3) the person must have completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency; and

(4) the person's overall driving record, attitude, habits, character, and driving ability would make it safe to grant him the privilege to operate a motor vehicle.

(B)(1) A person may not seek reinstatement of his driver's license pursuant to this section if the person subsequently is convicted of, receives a sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for a violation of Section 56-5-2930 or for a violation of another law or ordinance of this State or any other state or of a municipality of this State or any other state that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics.

(2) Nothing in this section may be construed to prohibit a person whose license has been revoked pursuant to Section 56-5-2930 before the effective date of this section from seeking reinstatement of his license pursuant to the provisions in this section.

(C) If a person's privilege to operate a motor vehicle is restored pursuant to this section, a subsequent violation of driving under the influence of alcohol or another controlled substance or felony driving under the influence of alcohol or another controlled substance will require the cancellation of the person's driver's license and the imposition of the full period of suspension and revocation for a previous violation.

(D) Before a person may have his driver's license reinstated under this section he must:

(1) pay a two hundred dollar filing fee to the court; and

(2) successfully complete the requirements to obtain a driver's license contained in this article.

HISTORY: 1998 Act No. 258, Section 14.

**SECTION 56-1-390.** Fee for reinstatement of license; disposition of fee proceeds.

(1) Whenever the Department of Motor Vehicles suspends or revokes the license of a person under its lawful authority, the license remains suspended or revoked and must not be reinstated or renewed nor may another license be issued to that person until he also remits to the department a reinstatement fee of one hundred dollars for each suspension on his driving record that has not been reinstated. The reinstatement fee may be paid to the clerk of court or magistrate at the time of the verdict, guilty plea, or plea of nolo contendere for the offense for which the license is suspended or revoked. If the fee is paid at the time of the verdict, guilty plea, or plea of nolo contendere, the clerk or magistrate shall remit the fee to the department pursuant to the procedures set forth in Section 56-1-365(B). The director or his designee may waive or return the reinstatement fee if it is determined that the suspension or revocation is based upon a lack of notice being given to the department or other similar error.

(2) The fees collected by the Department of Motor Vehicles under this provision must be distributed as follows: seventy dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, and one dollar must be credited to the "Keep South Carolina Beautiful Fund" established pursuant to Section 56-3-3950. From the "Keep South Carolina Beautiful Fund", the Department of Transportation shall expend funds necessary to employ, within the Department of Transportation, a person with training in horticulture to administer a program for beautifying the rights-of-way along state highways and roads. The remainder of the fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

HISTORY: 1962 Code Section 46-185.1; 1970 (56) 1911. 1990 Act No. 596, Section 1; 1993 Act No. 181, Section 1317; 1994 Act No. 497, Part II, Section 86A; 1996 Act No. 459, Section 90; 1999 Act No. 100, Part II, Section 104; 2001 Act No. 79, Section 2.D; 2005 Act No. 176, Section 8, eff June 14, 2005; 2016 Act No. 275 (S.1258), Section 18, eff July 1, 2016.

**SECTION 56-1-395.** Driver's license reinstatement fee payment program.

(A) The Department of Motor Vehicles shall establish a driver's license reinstatement fee payment program. A person who is a South Carolina resident, is eighteen years of age or older, and has had his driver's license suspended may apply to the Department of Motor Vehicles to obtain a license valid for no more than six months to allow time for payment of reinstatement fees. If the person has served all of his suspensions, has met all other conditions for reinstatement, and owes three hundred dollars or more of South Carolina reinstatement fees only for suspensions that are listed in subsection (E), the Department of Motor Vehicles may issue a six-month license upon payment of a thirty-five dollar administrative fee and payment of fifteen percent of the reinstatement fees owed.

(B) During the period of the six-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first.

(C) When all fees are paid, and the department records demonstrate that the person has no other suspensions, the person is eligible to renew his regular driver's license.

(D) If all fees are not paid by the end of the six-month period, existing suspensions shall be reactivated.

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, 56-1-120, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), 56-2-2740, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-270, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any three-year period.

(G) The payment program administrative fee of thirty-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 2010 Act No. 273, Section 15.A, eff January 2, 2011; 2016 Act No. 275 (S.1258), Section 19, eff July 1, 2016.

Editor's Note

Section 56-10-270, referenced in subsection (E), was repealed by 2002 Act No. 324, Section 10.

**SECTION 56-1-396.** Driver's license suspension amnesty period.

(A) The Department of Motor Vehicles shall establish a driver's license suspension amnesty period.

(B) The amnesty period must be for one week on an annual basis at the department's discretion.

(C) During the amnesty period, a person whose driver's license is suspended prior to the amnesty period may apply to the department to have qualifying suspensions cleared.

(D) If the person has met all conditions for reinstatement other than service of the suspension period, including payment of all applicable fees, the department must reinstate the person's driver's license.

(E) If the qualifying suspensions are cleared, but nonqualifying suspensions remain to be served, the department must recalculate the remaining suspension start dates to begin as soon as feasible.

(F) Qualifying suspensions include, and are limited to, suspensions pursuant to Sections 34-11-70, 56-1-120, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), 56-2-2740, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-270, 56-10-520, 56-10-530, and 56-25-20. Qualifying suspensions do not include suspensions pursuant to Section 56-5-2990 or 56-5-2945, and do not include suspensions pursuant to Section 56-1-460, if the person drives a motor vehicle when the person's license has been suspended or revoked pursuant to Section 56-5-2990 or 56-5-2945.

HISTORY: 2010 Act No. 273, Section 15.B, eff June 2, 2010; 2016 Act No. 154 (H.3545), Section 11, eff April 21, 2016.

Editor's Note

Section 56-10-270, referenced in subsection (F), was repealed by 2002 Act No. 324, Section 10.

**SECTION 56-1-400.** Surrender of license; issuance of new license; endorsing suspension and ignition interlock device on license.

(A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an

unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person. If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person's driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department's discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension. If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Sections 56-1-286, 56-5-2945, and 56-5-2947 except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. Unless the person establishes that the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in Sections 56-1-286, 56-5-2945, and 56-5-2947 except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990. This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:

(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and

(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and

(c) the notarized signature of the person's employer.

(3) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(C) A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the department with proof that the fine owed by the person has been paid before the department may issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.

**HISTORY:** 1962 Code Section 46-186; 1952 Code Sections 46-179, 46-349; 1942 Code Section 5996; 1932 Code Section 5996; 1930 (36) 1057; 1949 (46) 466; 1955 (49) 177; 1959 (51) 421; 1965 (54) 461; 1984 Act No. 478, Section 1; 1993 Act No. 181, Section 1318; 1996 Act No. 459, Section 91; 2007 Act No. 103, Section 23.B, eff January 1, 2008; 2008 Act No. 285, Section 2, eff January 1, 2009; 2014 Act No. 158 (S.137), Section 3, eff October 1, 2014; 2015 Act No. 34 (S.590), Section 1, eff June 1, 2015; 2016 Act No. 275 (S.1258), Section 20, eff July 1, 2016.

**SECTION 56-1-420.** Effect of dissolution of injunction restraining suspension or revocation of license.

If any court restrains or enjoins the Department of Motor Vehicles from enforcing the suspension or revocation of any license and the suspension or revocation is finally determined to have been properly put into effect by the department, the time during which the revocation or suspension was made ineffective by the judicial order shall not be considered part of the time during which the suspension or revocation was in effect. It is the purpose of this section to ensure

that the license shall be suspended or revoked for the full term of such suspension or revocation, if proper in the first place.

HISTORY: 1962 Code Section 46-188; 1959 (51) 421; 1993 Act No. 181, Section 1320; 1996 Act No. 459, Section 93.

**SECTION 56-1-430.** Appeal from conviction making suspension or revocation mandatory as supersedeas.

Upon conviction of an offense making mandatory the suspension or revocation of the driver's license of the person so convicted, an appeal taken from such conviction shall act as a supersedeas so as to preclude for a period of six months from the date of conviction any such suspension or revocation.

HISTORY: 1962 Code Section 46-189; 1959 (51) 421; 2008 Act No. 201, Section 19, eff 12:00 p.m. February 10, 2009.

**SECTION 56-1-440.** Penalties for driving without license; summary court jurisdiction.

(A) A person who drives a motor vehicle on a public highway of this State without a driver's license in violation of Section 56-1-20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, be fined five hundred dollars or imprisoned for forty-five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty-five days nor more than six months. However, a charge of driving a motor vehicle without a driver's license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

HISTORY: 1962 Code Section 46-191; 1952 Code Section 46-181; 1942 Code Section 1637; 1932 Code Section 1637; Cr. C. '22 Section 590; 1920 (31) 895; 1933 (38) 214; 1959 (51) 421; 1988 Act No. 532, Section 2; 1999 Act No. 100, Part II, Section 103A; 2001 Act No. 90, Section 1; 2010 Act No. 273, Section 14.A, eff June 2, 2010.

**SECTION 56-1-450.** Penalties for unlawful operation after conviction for which suspension or revocation of license mandatory.

Any person not licensed under this article or lawfully operating as a nonresident under this article, convicted of a violation for which suspension or revocation of driver's license or privilege to operate is made mandatory, who shall thereafter operate a motor vehicle in this State before such time as he obtains a driver's license from the Department of Motor Vehicles or until the Department shall find that he is properly qualified to operate as a nonresident, shall be punished by a fine of one hundred dollars or imprisonment for thirty days, and the period of time during which the Department may not issue to him a driver's license or find that he is properly qualified to operate as a nonresident shall be extended as provided in Section 56-1-460. Such license shall not be issued nor shall such findings be made until the lapse of the period of time

counting from the date of conviction during which such person's license would have been subject to suspension or revocation had he been properly licensed at the time of such offense.

HISTORY: 1962 Code Section 46-192; 1959 (51) 421.

**SECTION 56-1-460.** Penalties for driving while license cancelled, suspended or revoked; route restricted license.

(A)(1) Except as provided in item (2), a person who drives a motor vehicle on a public highway of this State when the person's license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days or confined to a person's place of residence pursuant to the Home Detention Act for up to ninety days. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while the person's driver's license is suspended pursuant to this item, may apply for a route restricted driver's license permitting the person to drive only to and from work or the person's place of education and in the course of the person's employment or education during the period of suspension. The department may issue the route restricted driver's license only upon a showing by the person that the person is employed or enrolled in a college or university and that the person lives further than one mile from the person's place of employment or place of education.

(ii) When the department issues a route restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver's license pursuant to this item shall report to the department immediately any change in the person's employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver's license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route-restricted license is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on a public highway of this State when the person's license has been suspended or revoked pursuant to the provisions of Section 56-5-2990 or 56-5-2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years.

No portion of the minimum sentence imposed pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of a person's conviction pursuant to this section upon a charge of driving a vehicle while the person's license was suspended for a definite period of time, shall extend the suspension period for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person's license for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56-25-20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required pursuant to Section 56-9-500 prior to the person's license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

HISTORY: 1962 Code Section 46-192.1; 1952 Code Section 46-351; 1949 (46) 466; 1956 (49) 1687; 1959 (51) 421; 1967 (55) 201; 1973 (58) 199; 1987 Act No. 84 Section 1; 1993 Act No. 181, Section 1321; 1996 Act No. 459, Section 94; 2000 Act No. 376, Section 1; 2002 Act No. 263, Section 1; 2004 Act No. 176, Section 2; 2010 Act No. 273, Section 18.A, eff January 2, 2011; 2014 Act No. 158 (S.137), Section 4, eff October 1, 2014; 2016 Act No. 275 (S.1258), Section 21, eff July 1, 2016.

**SECTION 56-1-463.** Inapplicability of penalty provision when suspension based on lack of notice of payment of fines.

Section 56-1-460 specifically does not apply if and when the proposed suspension is based solely on lack of notice being given to the Department of Motor Vehicles when the person has in fact paid any fines or penalties due to the court.

HISTORY: 1987 Act No. 84 Section 3; 1993 Act No. 181, Section 1322; 1996 Act No. 459, Section 95.

**SECTION 56-1-464.** Cancellation, suspension, or revocation of license based on out-of-state violation.

Notwithstanding the provisions of Section 56-1-460, a person who drives a motor vehicle on any public highway of the State when his license is canceled, suspended, or revoked solely based on an out-of-state motor vehicle violation for which the penalty is a fine and the fine has not been paid to the out-of-state agency and when the violation is not based upon a charge of driving under the influence of alcohol or drugs or a reckless driving charge may petition the magistrate's court to dismiss the state's charge of driving under suspension based upon the out-of-state violation if:

(1) the person presents to the court a satisfactory resolution of the out-of-state violation as exhibited by an official receipt from the out-of-state agency that the fine has been paid; and

(2) the person pays an assessment to the magistrate's court for a first offense of five hundred dollars; for a second offense of one thousand dollars; for a third offense of one thousand five hundred dollars; and for a fourth and subsequent offense of two thousand dollars. This assessment is not subject to an additional assessment under the provisions of Sections 14-1-207 or 14-1-208.

Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense punishable under this item must be tried exclusively in magistrate's court.

HISTORY: 2002 Act No. 348, Section 7.A.

Editor's Note

2002 Act No. 348, Section 7(B), provides as follows:

"The provisions of Section 56-1-464 as contained in this section apply to any applicable out-of-state offense committed within the last ten years before the effective date of this section, notwithstanding any other provision of this act to the contrary."

**SECTION 56-1-465.** Notice of suspension required.

The licensee shall be notified of suspension under Section 56-1-460 the same as is required when the license is suspended due to loss of points as provided in Section 56-1-810.

HISTORY: 1987 Act No. 84 Section 4.

**SECTION 56-1-470.** Unlawful to operate vehicle under foreign license while license is suspended or revoked.

Any resident or nonresident whose operator's or chauffeur's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this article or other laws of this State shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other state or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this article.

HISTORY: 1962 Code Section 46-192.2; 1959 (51) 421.

**SECTION 56-1-475.** Driver permitted to drive in State with valid out-of-state license after expiration of state period of suspension.

Notwithstanding the provisions of Section 56-1-400 of the 1976 Code, a person whose driver's license has been suspended by the Department of Motor Vehicles who has moved his residence

to another state and has obtained a valid driver's license in such state may lawfully operate a motor vehicle within this State after the expiration of the period of time for which his South Carolina driver's license was suspended.

HISTORY: 1976 Act No. 563; 1993 Act No. 181, Section 1323; 1996 Act No. 459, Section 96.

**SECTION 56-1-478.** Reciprocal agreements for collection of fines, fees, and other costs.

The Department of Motor Vehicles may enter into reciprocal agreements with other states and political subdivisions for the collection of fines, fees, or other costs which resulted in the revocation of a person's driving privileges of a person applying for a driver's license or renewing a driver's license in this State.

HISTORY: 1996 Act No. 459, Section 97.

**SECTION 56-1-480.** Unlawful to permit unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized to do so by this article or in violation of any of the provisions of this article.

HISTORY: 1962 Code Section 46-192.3; 1952 Code Sections 46-184, 46-185; 1942 Code Sections 1637, 5997-1; 1932 Code Section 1637; Cr. C. '22 Section 590; 1920 (31) 895; 1933 (38) 214; 1953 (48) 246; 1956 (49) 1648; 1959 (51) 421.

**SECTION 56-1-490.** Unlawful for parent or guardian to permit unauthorized minor to drive.

No person shall cause or knowingly permit his minor child or ward to drive a motor vehicle upon any highway when such minor child or ward is not authorized under this article or in violation of any of the provisions of this article.

HISTORY: 1962 Code Section 46-192.4; 1952 Code Sections 46-182, 46-183; 1942 Code Sections 5997, 5997-1; 1932 Code Section 5997; 1930 (36) 1057; 1933 (38) 214; 1953 (48) 246; 1956 (49) 1648; 1959 (51) 421.

**SECTION 56-1-500.** Penalties for violations of article.

It is a misdemeanor for any person to violate any of the provisions of this article unless such violation is by this article or other law of this State declared to be a felony. Every person convicted of a misdemeanor for a violation of any of the provisions of this article for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-192.5; 1952 Code Section 46-186; 1942 Code Section 6009; 1932 Code Section 6009; 1930 (36) 1057; 1959 (51) 421.

**SECTION 56-1-510.** Unlawful use of license; fraudulent application.

It is a misdemeanor punishable by a fine of not more than two hundred dollars or imprisonment for not more than thirty days for a first offense and not more than five hundred

dollars or imprisonment for not more than six months for a second or subsequent offense for any person:

- (1) to display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, or fraudulently altered driver's license or personal identification card;
- (2) to lend his driver's or personal identification card to any other person or knowingly permit the use of it by another;
- (3) to display or represent as one's own driver's license or personal identification card any driver's license acquired in violation of this section;
- (4) to fail or refuse to surrender to the Department of Motor Vehicles upon lawful demand any driver's license which has been suspended, canceled, or revoked;
- (5) to use a false or fictitious name in any application for a driver's license or personal identification card or knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
- (6) to permit any unlawful use of a driver's license or personal identification card issued to him; or
- (7) to do any act forbidden or fail to perform any act required by this article.

HISTORY: 1962 Code Section 46-190; 1959 (51) 421; 1986 Act No. 526, Section 3; 1988 Act No. 559, Section 1; 1993 Act No. 181, Section 1324; 1996 Act No. 459, Section 98.

**SECTION 56-1-515.** Unlawful alteration of license; sale or issuance of fictitious license; use of another's license or other false documentation to defraud or violate law; violations and penalties.

- (1) It is unlawful for any person to alter a motor vehicle driver's license so as to provide false information on the license or to sell or issue a fictitious driver's license.
- (2) It is unlawful for any person to use a motor vehicle driver's license not issued to the person, an altered motor vehicle driver's license, an identification card containing false information, or an identification card not issued to the person to defraud another or violate the law.
- (3) Any person violating the provisions of subsection (1) is guilty of a misdemeanor and upon conviction must be fined not more than two thousand five hundred dollars or imprisoned for not more than six months, or both.
- (4) Any person violating the provisions of subsection (2) 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.

HISTORY: 1986 Act No. 526, Section 2.

**SECTION 56-1-540.** Files, records, and indexes to be kept.

The Department of Motor Vehicles shall:

- (1) File every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:
  - (a) all applications denied and on each thereof note of the reasons for such denial;
  - (b) all applications granted; and
  - (c) the name of every licensee whose license has been canceled, suspended or revoked by the department and after each such name a note of the reasons for such action; and

(2) The department shall file all accident reports and abstracts of court records of convictions received by it under the laws of this State and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon application for renewal of license and at other suitable times.

HISTORY: 1962 Code Section 46-192.8; 1952 Code Section 46-170; 1942 Code Section 5991; 1932 Code Section 5991; 1930 (36) 1057; 1959 (51) 421; 1993 Act No. 181, Section 1327; 1996 Act No. 459, Section 99.

**SECTION 56-1-550.** Fee for expediting request for copy of document or record.

The Department of Motor Vehicles may collect a fee not to exceed twenty dollars per document to expedite a request for copies of documents and records it maintains. This fee is in addition to the normal fees associated with the request. Expedited requests must be available within seventy-two hours of receipt of the request and standard requests within thirty days. Nothing in this section may be construed as circumventing the requirements of Section 30-4-30 of the Freedom of Information Act. The funds collected pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 2008 Act No. 353, Section 2, Pt 13A.1, eff July 1, 2008; 2016 Act No. 275 (S.1258), Section 22, eff July 1, 2016.

## ARTICLE 2 Driver License Compact

**SECTION 56-1-610.** Short title.

This article is known and may be cited as the Driver License Compact.

HISTORY: 1987 Act No. 72 Section 1.

**SECTION 56-1-620.** Legislative findings and policy.

(A) The General Assembly and the states that are party to the compact find that:

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) the violation of a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property;

(3) the continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles in whichever jurisdiction the vehicle is operated.

(B) It is the policy of the General Assembly and of each of the party states to:

(1) promote compliance with the laws, ordinances, and administrative regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where the operators drive motor vehicles;

(2) make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized to operate a motor vehicle in any of the party states.

HISTORY: 1987 Act No. 72 Section 1.

**SECTION 56-1-630. Definitions.**

As used in this article:

(1) "Party state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(3) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any of these offenses, and which conviction or forfeiture is required to be reported to the licensing authority.

(4) "Licensing authority" for purposes of South Carolina shall mean the Department of Motor Vehicles.

HISTORY: 1987 Act No. 72 Section 1; 1993 Act No. 181, Section 1329.

**SECTION 56-1-640. Reciprocity in reporting convictions; information to be reported.**

The Department of Motor Vehicles shall report each conviction of a person from another party jurisdiction, Canada, or Mexico occurring within South Carolina to the licensing authority of the home jurisdiction of the licensee. The report shall clearly identify the person convicted, describe the violation specifying the section of the statute or ordinance violated, identify the court in which action was taken, indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond, or other security, and include any special findings.

HISTORY: 1987 Act No. 72 Section 1; 1996 Act No. 459, Section 101; 2010 Act No. 216, Section 2, eff June 7, 2010.

**SECTION 56-1-650. Effect of certain convictions on status of license in home state.**

(A) A state that is a member of the Drivers License Compact shall report to another member state of the compact a conviction for any of the following:

(1) manslaughter or homicide resulting from the operation of a motor vehicle as provided by Sections 56-1-280 and 56-5-2910;

(2) driving a motor vehicle while under the influence, as provided by Section 56-5-2930;

(3) any felony in the commission of which a motor vehicle is used, as provided by Section 56-1-280;

(4) failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another, as provided by Section 56-5-1210.

(B) If the laws of a member state do not describe the violations listed in subsection (A) in precisely the words used in that subsection, the member state shall construe the descriptions to apply to offenses of the member state that are substantially similar to the ones described. A state that is a member of the Drivers License Compact shall report to another member state of the compact a conviction for any other offense or any other information concerning convictions that the member states agree to report.

(C) For a conviction required to be reported under subsection (A), a member state shall give the same effect to the report as if the conviction had occurred in that state. For a conviction that is not required to be reported under subsection (A), the provisions of Section 56-1-320 shall govern the effect of the reported conviction in this State. For a conviction that is not required to be reported under subsection (A), notice of the conviction must be received by the Department of Motor Vehicles for purposes of suspension or revocation within one year of the date of conviction.

The department shall not post to an individual's driver's record any conviction that is not received by the department within the one-year period for offenses governed by this subsection. For purposes of this title, this means all convictions which occurred after June 4, 1995, which are not required to be reported pursuant to subsection (A). The department may not refuse to issue or renew a resident's driver's license when the individual's privilege to drive is suspended or revoked for an out-of-state conviction which was not reported to the department within one year of the date of conviction, as required in this subsection.

HISTORY: 1987 Act No. 72 Section 1; 1996 Act No. 459, Section 102; 1997 Act No. 150, Section 3; 1998 Act No. 258, Section 2.

**SECTION 56-1-660.** Review of license status in other states upon application for license in party state.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made may not issue a license to drive if:

(1) The applicant has held a license, but it has been suspended for a violation and the suspension period has not terminated.

(2) The applicant has held a license, but it has been revoked for a violation, and the revocation has not terminated, except that after the expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any applicant if, after investigation, the licensing authority determines that it will not be safe to grant the person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders the license.

HISTORY: 1987 Act No. 72 Section 1.

**SECTION 56-1-670.** Effect on other laws or agreements.

Except as expressly required by provisions of the compact, nothing herein affects the right of the Department of Motor Vehicles to apply any of South Carolina's other laws relating to

licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between South Carolina and a nonparty state.

HISTORY: 1987 Act No. 72 Section 1; 1996 Act No. 459, Section 103.

**SECTION 56-1-680.** Administration; exchange of information.

(A) The director or his designee of the Department of Motor Vehicles is the administrator of this compact for South Carolina. The administrators, acting jointly, have the power to formulate all necessary procedures for the exchange of information under this compact.

(B) The department shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

HISTORY: 1987 Act No. 72 Section 1; 1996 Act No. 459, Section 104.

**SECTION 56-1-690.** Withdrawal from compact.

Any party state may withdraw from the compact, but no withdrawal may take effect until six months after the executive heads of all other party states have received notice. Withdrawal does not affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

HISTORY: 1987 Act No. 72 Section 1.

### ARTICLE 3

#### Point System for Evaluating Operating Records of Drivers

**SECTION 56-1-710.** “Conviction” defined.

The term “conviction” as used in this article shall also include the entry of any plea of guilty, the entry of any plea of nolo contendere and the forfeiture of any bail or collateral deposited to secure a defendant’s appearance in court.

HISTORY: 1962 Code Section 46-195; 1955 (49) 249.

**SECTION 56-1-720.** Point system established; schedule of points for violations.

There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION		POINTS	
Reckless driving		6	
Passing stopped school bus		6	
Hit-and-run, property damages only		6	
Driving too fast for conditions, or speeding:			
(1)	No more than 10 m.p.h. above the posted limits	2	
(2)	More than 10 m.p.h. but less than 25 m.p.h. above the posted	4	

		limits		
	(3)	25 m.p.h. or above the posted limits	6	
		Disobedience of any official traffic control device	4	
		Disobedience to officer directing traffic	4	
		Failing to yield right-of-way	4	
		Driving on wrong side of road	4	
		Passing unlawfully	4	
		Turning unlawfully	4	
		Driving through or within safety zone	4	
		Shifting lanes without safety precaution	2	
		Improper dangerous parking	2	
		Following too closely	4	
		Failing to dim lights	2	
		Operating with improper lights	2	
		Operating with improper brakes	4	
		Operating a vehicle in unsafe condition	2	
		Driving in improper lane	2	
		Improper backing	2	
		Endangerment of a highway worker, no injury	2	
		Endangerment of a highway worker, injury results	4	

HISTORY: 1962 Code Section 46-196; 1955 (49) 249; 1962 (52) 1976; 1966 (54) 2383; 1970 (56) 2383; 1988 Act No. 532, Section 7; 2017 Act No. 81 (H.4033), Sections 2, 5.A, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, the item relating to improper backing is retained in the schedule of offenses; this item was inadvertently omitted in Section 5.A. of 2017 Act No. 81.

Effect of Amendment

2017 Act No. 81, Section 2, added the violations of "Endangerment of a highway worker, no injury" and "Endangerment of a highway worker, injury results" and the corresponding value of their point violations.

2017 Act No. 81, Section 5.A, deleted the offense of "Failing to give signal or giving improper signal for stopping, turning or suddenly decreased speed".

**SECTION 56-1-730.** Warning tickets not assigned point value.

Warning tickets shall not be assigned a point value.

HISTORY: 1962 Code Section 46-196.1; 1955 (49) 249.

**SECTION 56-1-740.** Suspension of driver's license or nonresident's privilege to drive; special restricted driver's licenses.

(A) The Department of Motor Vehicles may suspend, for not more than six months, the driver's license and privilege of a person upon a showing by its records, based on a uniform

point system as authorized in this article, that the licensee has been convicted with such frequency of offenses against motor vehicle traffic laws or ordinances as to indicate a disrespect for the laws or ordinances and a disregard for the safety of other persons on the highways. For the purposes of this article, a total of twelve points assessed against a driver as determined by the values designated in Section 56-1-720 indicates disrespect and disregard. The privilege of driving a motor vehicle on the highways of this State, given to a nonresident under the laws of this State, is subject to suspension by the department in like manner, and for like cause, the same as a driver's license issued by this State may be suspended.

Periods of suspension of the license or privilege of a person for various accumulation of points must be as follows, with the person having the privilege to request a review of his driving record:

- (1) twelve to fifteen points—three months' suspension;
- (2) sixteen or seventeen points—four months' suspension;
- (3) eighteen or nineteen points—five months' suspension;
- (4) twenty points and over—six months' suspension.

(B)(1) If a person is employed or enrolled in a college or university at any time while his driver's license is suspended pursuant to this section, he may apply for a special restricted driver's license permitting him to drive only to and from work or his place of education and in the course of his employment or education during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and that he lives further than one mile from his place of employment or place of education.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the department by the licensee.

(3) The fee for each special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remainder of the fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

**HISTORY:** 1962 Code Section 46-196.2; 1955 (49) 249; 1988 Act No. 623, Section 1; 1993 Act No. 181, Section 1330; 1996 Act No. 459, Section 105; 1999 Act No. 115, Section 4; 2001 Act No. 79, Section 2.E; 2005 Act No. 176, Section 9, eff June 14, 2005; 2016 Act No. 275 (S.1258), Section 23, eff July 1, 2016.

**SECTION 56-1-746.** Suspension of driver's license for alcohol-related offenses; penalties; special restricted licenses.

(A) The Department of Motor Vehicles shall suspend the driver's license of a person convicted of an offense contained in Sections 56-1-510(2), 56-1-510(5), 56-1-515, 61-4-60, 63-19-2440, and 63-19-2450 as follows:

- (1) for a conviction for a first offense, for a period of one hundred twenty days; and
- (2) for a conviction for a second or subsequent offense, for a period of one year.

(B) For the purposes of determining a prior offense, a conviction for an offense enumerated in subsection (A) within ten years of the date of the violation is considered a prior offense.

(C) Notwithstanding the provisions of Section 56-1-460, a person convicted pursuant to the provisions of this section must be punished pursuant to Section 56-1-440 and is not required to furnish proof of financial responsibility as provided for in Section 56-9-500. The conviction may not result in an insurance penalty pursuant to the Merit Rating Plan promulgated by the Department of Insurance.

(D)(1) If an individual is employed or enrolled in a college or university, or a court-ordered drug program, while his driver's license is suspended pursuant to this section, he may apply for a special restricted driver's license permitting him to drive only to and from work, his place of education, or the court-ordered drug program, and in the course of his employment, education, or a court-ordered drug program during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the individual that he is employed or enrolled in a college, university, or court-ordered drug program, that he lives further than one mile from his place of employment, education, or court-ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, or court-ordered drug program.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the individual may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance in his court-ordered drug program, or residence must be reported immediately to the department by the licensee.

(3) The fee for a special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

HISTORY: 1990 Act No. 602, Section 5; 1992 Act No. 421, Section 2; 1993 Act No. 181, Section 1332; 1996 Act No. 459, Section 106; 2001 Act No. 79, Section 2.G; 2002 Act No. 348, Section 14; 2002 Act No. 354, Section 7; 2007 Act No. 103, Section 8, eff July 1, 2007; 2016 Act No. 275 (S.1258), Section 24, eff July 1, 2016.

**SECTION 56-1-747.** What constitutes conviction for purposes of Section 56-1-746.

For purposes of Section 56-1-746 a conviction is defined as provided in Section 56-1-2030 and includes being adjudicated under juvenile proceedings.

HISTORY: 1990 Act No. 602, Section 5; 1994 Act No. 357, Section 4.

**SECTION 56-1-748.** Persons issued restricted driver's license ineligible for issuance of special restricted driver's license; route restricted driver's license.

(A) No person issued a restricted driver's license under the provisions of Section 56-1-170, 56-1-320, 56-1-740, 56-1-745, 56-1-746, 56-5-750, 56-9-430, 56-10-260, 56-10-270, or

56-5-2951 shall subsequently be eligible for issuance of a restricted driver's license under these provisions.

(B) A person who obtains a route restricted driver's license and who is required to attend an Alcohol and Drug Safety Action Program or a court-ordered drug program as a condition of reinstatement of the person's driving privileges may use the route restricted driver's license to attend the Alcohol and Drug Safety Action Program classes or court-ordered drug program in addition to the other permitted uses of the route restricted driver's license.

HISTORY: 1992 Act No. 421, Section 5; 1999 Act No. 115, Section 5; 2008 Act No. 201, Section 3, eff February 10, 2009; 2014 Act No. 158 (S.137), Section 5, eff October 1, 2014.

Editor's Note

Section 56-1-745 was repealed by 2011 Act No. 13, Section 1. Section 56-10-270 was repealed by 2002 Act No. 324, Section 10.

**SECTION 56-1-750.** Computation of points.

In computing the total number of points charged to any person after a particular violation, those accrued as a result of violations which have occurred during the twelve months' period including and immediately preceding the last violation shall be counted at their full value, those accrued from twelve to twenty-four months preceding the last violation shall be counted at one half their established value and those resulting from violations which occurred more than twenty-four months prior to the last violation shall not be counted.

HISTORY: 1962 Code Section 46-196.3; 1955 (49) 249.

**SECTION 56-1-760.** Violations considered in suspension to be disregarded in subsequent suspension.

When the driver's license of a person is suspended under the provisions of this article, all violations considered in such suspension shall be disregarded in so far as any subsequent suspension under this article or under the provisions of Section 56-5-2920 is concerned.

HISTORY: 1962 Code Section 46-196.4; 1955 (49) 249.

**SECTION 56-1-770.** Points reduced for completing defensive driving course.

(A) Any driver who has accumulated points under the provisions of this article shall have the number of his points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that he has completed the National Safety Council's "Defensive Driving Course" or its equivalent, if the course is completed after the points have been assessed. The course must be taught by an instructor accredited by the National Safety Council whose procedures for accreditation are set forth in the "Manual of Rules and Procedures" published by the National Safety Council or equivalent accreditation procedures. The department shall establish procedures by which driver training schools may apply to the department for approval of a defensive driving course which will qualify those successfully completing the course for a reduction in points pursuant to this section. The department shall approve the National Safety Council's "Defensive Driving Course" or its equivalent when offered by driver training schools and taught by an instructor accredited by the National Safety Council or equivalent accreditation procedures.

(B) Any driver with a Class M (motorcycle) endorsement who has accumulated points under the provisions of this article shall have the number of his points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that he has successfully completed a South Carolina technical college motorcycle safety course or its equivalent. All courses offered for point reduction must be at least eight hours in length and be taught by an instructor accredited through a training program in which the procedures for accreditation are equivalent to those set forth in "Manual of Rules and Procedures" published by the National Safety Council.

(C) No person's points may be reduced more than one time in any three-year period, pursuant to the provisions contained in this section.

HISTORY: 1962 Code Section 46-196.4:1; 1974 (58) 2067; 1979 Act No. 49; 1988 Act No. 612, Section 1; 1993 Act No. 181, Section 1333; 1996 Act No. 459, Section 107; 2018 Act No. 127 (S.456), Section 2, eff February 5, 2018.

Effect of Amendment

2018 Act No. 127, Section 2, in (A), added the paragraph identifier and deleted the fifth sentence, which had provided that no person's points may be reduced more than one time in any three-year period; and added (B) and (C).

**SECTION 56-1-780.** Reports of certain convictions to Department of Motor Vehicles.

The provisions of Section 56-5-2970, shall also apply to convictions in cases involving other traffic violations as listed in Section 56-1-720.

HISTORY: 1962 Code Section 46-196.5; 1955 (49) 249.

**SECTION 56-1-790.** Reports of out-of-state, federal or court-martial convictions; recording against drivers.

The Department of Motor Vehicles may enter into a reciprocal agreement with the proper agency of any other state for the purpose of reporting convictions in one state by a person holding a driver's license in the other state. Such convictions in another state of a violation therein which, if committed in this State, would be a violation of the traffic laws of this State, may be recorded against a driver the same as if the conviction had been made in the courts of this State. When a resident of this State has been convicted of a motor vehicle violation in another state for which there is no corresponding offense in this State, excluding the offenses listed in Section 56-1-650(A), the conviction must not be recorded on the person's driving record in this State.

Guilty pleas, failure to respond to charges or convictions by courts-martial or post or base commanders of any of the various branches of the Armed Forces of the United States or by a United States Commissioner of a violation either on or off government property which, if committed in this State, would be a violation of the laws of this State, may, in the discretion of the department, be recorded against a driver the same as if the plea of guilty, forfeiture of bond, or conviction had been made in the courts of this State.

HISTORY: 1962 Code Section 46-196.6; 1955 (49) 249; 1969 (56) 690; 1993 Act No. 181, Section 1334; 1996 Act No. 459, Section 108; 1998 Act No. 258, Section 15.

**SECTION 56-1-800.** Certified copies of reports as evidence of convictions.

In all proceedings held under the provisions of this article, photostatic, optical disk, or other copies of the reports filed with the Department of Motor Vehicles, including official reports received from directors of the motor vehicle divisions, court officials, or other agencies of other states charged with the duty of keeping records of offenses against the traffic laws of such states and reports of courts-martial or United States Commissioners, are deemed to be true copies, when such copies are duly certified by the director or his designee as true copies of the original on file therewith, and as such shall be deemed prima facie evidence of the information contained on such reports for the purpose of showing any conviction.

HISTORY: 1962 Code Section 46-196.7; 1955 (49) 249; 1993 Act No. 181, Section 1335; 1996 Act No. 459, Section 109.

**SECTION 56-1-810.** Notice of suspension; surrender of license.

Upon the determination by the Department of Motor Vehicles that a person has accumulated sufficient points to warrant the suspension of his license, the department shall notify such licensee in writing, return receipt requested, that his license has been suspended, and such licensee shall return his license to the department within the time required by Section 56-1-350 and subject to the penalties thereof for failing to do so.

HISTORY: 1962 Code Section 46-196.8; 1955 (49) 249; 1959 (51) 421; 1993 Act No. 181, Section 1336; 1996 Act No. 459, Section 110.

**SECTION 56-1-820.** Hearing on suspension.

The licensee may, within ten days after notice of suspension, request in writing a contested case hearing before the Office of Motor Vehicle Hearings, and upon receipt of the request the Office of Motor Vehicle Hearings shall afford him a hearing in accordance with the State Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

HISTORY: 1962 Code Section 46-196.9; 1955 (49) 249; 1959 (51) 421; 1988 Act No. 623, Section 2; 1988 Act No. 616, Section 2; 1993 Act No. 181, Section 1337; 1996 Act No. 459, Section 111; 2008 Act No. 279, Section 4, eff October 1, 2008.

**SECTION 56-1-850.** Other provisions for mandatory suspension, revocation, or cancellation unaffected.

Nothing contained in this article shall affect the action of the Department of Motor Vehicles in suspending, revoking, or canceling any driver's license when such action is mandatory under the provisions of any law of this State.

HISTORY: 1962 Code Section 46-196.12; 1955 (49) 249; 1993 Act No. 181, Section 1340; 1996 Act No. 459, Section 112.

ARTICLE 5  
Habitual Offenders

**SECTION 56-1-1010.** Legislative declaration of policy.

It is hereby declared to be the policy of this State:

- (a) To provide maximum safety for all persons who use the public highways of this State; and
- (b) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference to the safety and welfare of others and their disrespect for the laws of this State; and
- (c) To discourage repetition of unlawful acts by individuals against the peace and dignity of this State and her political subdivisions and to impose additional penalties upon habitual offenders who have been convicted repeatedly of violations of the traffic laws of this State.

HISTORY: 1962 Code Section 46-197; 1973 (58) 424; 1974 (58) 2998.

**SECTION 56-1-1020. “Habitual offender” and “conviction” defined.**

An habitual offender shall mean any person whose record as maintained by the Department of Motor Vehicles shows that he has accumulated the convictions for separate and distinct offenses described in subsections (a), (b) and (c) committed during a three-year period; provided, that where more than one included offense shall be committed within a one-day period such multiple offenses shall be treated for the purposes of this article as one offense:

(a) Three or more convictions, singularly or in combination of any of the following separate and distinct offenses arising out of separate acts:

(1) Voluntary manslaughter, involuntary manslaughter or reckless homicide resulting from the operation of a motor vehicle;

(2) Operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs;

(3) Driving or operating a motor vehicle in a reckless manner;

(4) Driving a motor vehicle while his license, permit, or privilege to drive a motor vehicle has been suspended or revoked, except a conviction for driving under suspension for failure to file proof of financial responsibility;

(5) Any offense punishable as a felony under the motor vehicle laws of this State or any felony in the commission of which a motor vehicle is used;

(6) Failure of the driver of a motor vehicle involved in any accident resulting in the death or injury of any person to stop close to the scene of such accident and report his identity;

(b) Ten or more convictions of separate and distinct offenses involving moving violations singularly or in combination, in the operation of a motor vehicle, which are required to be reported to the department for which four or more points are assigned pursuant to Section 56-1-720 or which are enumerated in subsection (a) of this section.

(c) The offenses included in subsections (a) and (b) shall be deemed to include offenses under any federal law, any law of another state or any municipal or county ordinance of another state substantially conforming to the above provisions.

(d) For purposes of determining the number of convictions for separate and distinct offenses committed during any three-year period, a person shall be deemed to be convicted of an offense on the date the offense was committed if he is subsequently convicted of committing such offense.

HISTORY: 1962 Code Section 46-197.1; 1973 (58) 424; 1974 (58) 2998; 1984 Act No. 516, Section 1; 1993 Act No. 181, Section 1341; 1996 Act No. 459, Section 113.

**SECTION 56-1-1030.** Habitual offender determination; revocation of license; notice of determination and appeal.

(A) When a person is convicted of one or more of the offenses listed in Section 56-1-1020(a), (b), or (c), the Department of Motor Vehicles must review its records for that person. If the department determines after review of its records that the person is an habitual offender as defined in Section 56-1-1020, the department must revoke or suspend the person's driver's license.

(B) If the department determines the person is an habitual offender, the department shall give notice of its determination to the person and direct the person not to operate a motor vehicle on the highways of this State and to surrender his driver's license or permit to the department. The notice must provide that a person aggrieved by the department determination may file a request for a contested case hearing with the Office of Motor Vehicle Hearings in accordance with its rules of procedure. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct these hearings.

HISTORY: 1962 Code Section 46-197.2; 1973 (58) 424; 1974 (58) 2998; 1988 Act No. 532, Section 3; 1990 Act No. 602, Section 1; 1993 Act No. 181, Section 1342; 1996 Act No. 459, Section 114; 2006 Act No. 381, Section 5, eff June 13, 2006; 2008 Act No. 279, Section 5, eff October 1, 2008.

**SECTION 56-1-1090.** Request for restoration of privilege to operate motor vehicle; conditions; appeal of denial of request.

(A) No license to operate motor vehicles in this State may be issued to an habitual offender nor shall a nonresident habitual offender operate a motor vehicle in this State for a period of five years from the date of a determination by the Department of Motor Vehicles that a person is an habitual offender unless the period is reduced to two years as permitted in item (1) or (2).

(1) Upon request to the department on a form prescribed by it, the department may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of drivers' licenses. The request permitted by this item may be filed after two years have expired from the beginning date of the habitual offender suspension and if the following conditions are met:

(a) the person must not have had a previous habitual offender suspension in this or another state;

(b) the person must not have driven a motor vehicle during the habitual offender suspension period;

(c) the person must not have been convicted of or have charges pending for any alcohol or drug violations committed during the habitual offender suspension period;

(d) the person must not have been convicted of or have charges pending for any offense listed in Section 56-1-1020 committed during the habitual offender suspension period; and

(e) the person must not have any other mandatory driver's license suspension that has not yet reached its end date.

The department will issue its decision within thirty days after receipt of the request.

(2) If the department denies the request referenced in item (1), the person may seek relief from the department's determination by filing a request for a de novo contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. For good cause shown, the

Office of Motor Vehicle Hearings may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of driver's licenses. The provisions of item (1) shall not be construed to limit the discretion or authority of the Office of Motor Vehicle Hearings in considering the person's request for a reduction of the five-year suspension period; however, those provisions may be used as guidelines for determinations of good cause for relief from the normal five-year suspension period.

(B) If a reduction is granted, it will begin on the date of the department's decision or on the date of the final decision by the Office of Motor Vehicle Hearings. If a reduction is not granted, no request for reduction may be filed again.

(C) If a person's privilege to operate a motor vehicle is restored pursuant to this section, but the department subsequently determines that the person failed to give the required or correct information in his request or during a hearing, or committed any fraud in making the request or during his hearing, the department must suspend the person's driver's license pursuant to Section 56-1-240 for the remaining balance of the habitual offender suspension period. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(D) If a person's privilege to operate a motor vehicle is restored pursuant to subsection (A)(1) or (A)(2), and if the person is convicted of a violation of any offense listed in Section 56-1-1020(A) that occurred during the original five-year habitual offender suspension period, the department must suspend the person's driver's license for the time period by which the habitual offender suspension had been reduced. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

HISTORY: 1962 Code Section 46-197.8; 1973 (58) 424; 1974 (58) 2998; 1984 Act No. 516, Section 2; 1988 Act No. 532, Section 4; 1990 Act No. 602, Section 2; 1993 Act No. 181, Section 1343; 1996 Act No. 459, Section 115; 2006 Act No. 381, Section 6, eff June 13, 2006; 2008 Act No. 201, Section 15, eff February 10, 2009; 2008 Act No. 279, Section 6, eff October 1, 2008.

#### **SECTION 56-1-1100. Penalties.**

A person found to be an habitual offender under the provisions of this article, who subsequently is convicted of operating a motor vehicle in this State while the decision of the Department of Motor Vehicles prohibiting the operation is in effect, is guilty of a felony and must be imprisoned not more than five years.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his driver's license or permit is suspended or revoked or is charged with driving without a license, the department, before hearing the charges, shall determine whether the person has been adjudged an habitual offender and is barred from operating a motor vehicle on the highways of this State. If the person is found to be an habitual offender, the department shall notify the solicitor or Attorney General and he shall cause the appropriate criminal charges to be lodged against the offender.

HISTORY: 1962 Code Section 46-197.9; 1973 (58) 424; 1974 (58) 2998; 1988 Act No. 532, Section 5; 1993 Act No. 181, Section 1344; 1993 Act No. 184, Section 81; 1996 Act No. 459, Section 116.

**SECTION 56-1-1105.** Penalties for driving while license cancelled, suspended, or revoked.

(A) For purposes of this section:

(1) "Great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) "Habitual offender" has the same meaning as in Section 56-1-1020.

(B) An habitual offender who drives a motor vehicle on any public highway of this State when the offender's license to drive has been canceled, suspended, or revoked, and when driving does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to a person other than himself, is guilty of a felony, and, upon conviction, guilty plea, or nolo contendere plea must be punished:

(1) by a fine of not more than five thousand dollars and imprisonment for not more than ten years when great bodily injury results; or

(2) by a fine of not less than five thousand dollars nor more than ten thousand dollars and imprisonment for not more than twenty years when death results.

(C) The Department of Motor Vehicles must suspend the driver's license of an habitual offender who is convicted, pleads guilty, or pleads nolo contendere pursuant to this section for a period to include incarceration plus two years when great bodily injury results and three years when death results. The period of incarceration must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident shall run concurrently.

HISTORY: 2010 Act No. 273, Section 18.B, eff June 2, 2010.

**SECTION 56-1-1110.** Article does not affect existing laws.

Nothing in this article shall be construed as affecting any existing law of this State or any existing ordinance of any political subdivision of the State relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof.

HISTORY: 1962 Code Section 46-197.10; 1973 (58) 424; 1974 (58) 2998.

**SECTION 56-1-1130.** Notification of potential offenders.

The Department of Motor Vehicles shall send a written notice to any person who it determines is in danger of becoming an habitual offender.

HISTORY: 1962 Code Section 46-197.12; 1973 (58) 424; 1974 (58) 2998; 1993 Act No. 181, Section 1346; 1996 Act No. 459, Section 117.

## Provisional Drivers' Licenses

### **SECTION 56-1-1320.** Provisional drivers' licenses.

(A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56-1-30, who is or has been convicted of a first offense violation of a law of this State that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Sections 56-5-2930 and 56-5-2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program pursuant to Section 56-1-1330, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56-1-370 and 56-1-820 must be made by the director of the department or his designee.

(B) Ninety-five dollars of the collected fee must be credited to the state's general fund for use of the Department of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police. Five dollars of the collected fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1975 (59) 66; 1982 Act No. 355, Section 1; 1988 Act No. 532, Section 31; 1990 Act No. 602, Section 4; 1993 Act No. 181, Section 1347; 1996 Act No. 459, Section 118; 2000 Act No. 390; 2001 Act No. 79, Section 2.A; 2014 Act No. 158 (S.137), Section 7, eff October 1, 2014; 2016 Act No. 275 (S.1258), Section 25, eff July 1, 2016.

### **SECTION 56-1-1330.** Applicant required to complete alcohol traffic safety program.

The provisional driver's license provision must include a mandatory requirement that the applicant enroll in an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services and successfully complete services pursuant to the requirements specified in Section 56-5-2990. If the applicant fails to complete successfully the services as directed by the Alcohol and Drug Safety Action Program, the Department of Alcohol and Other Drug Abuse Services shall notify the Department of Motor Vehicles, the provisional driver's license issued by the department must be revoked, and the suspension imposed for the full period specified in Section 56-5-2990, which shall begin on date of notification to the individual.

HISTORY: 1975 (59) 66; 1976 Act No. 637; 1981 Act No. 178 Part II Section 7; 1982 Act No. 355, Section 2; 1985 Act No. 201, Part II, Section 39A; 1988 Act No. 658, Part II, Section 38A; 1993 Act No. 181, Section 1348; 1996 Act No. 459, Section 119; 1999 Act No. 100, Part II, Section 11.

**SECTION 56-1-1340.** License must be kept in possession; issuance of license and convictions to be recorded.

The applicant shall have a provisional driver's license in his possession at all times while driving a motor vehicle, and the issuance of such license and the violation convictions shall be entered in the records of the Department of Motor Vehicles for a period of ten years as required by Sections 56-5-2940 and 56-5-2990 of the 1976 Code.

HISTORY: 1975 (59) 66; 1993 Act No. 181, Section 1349; 1996 Act No. 459, Section 120.

**SECTION 56-1-1360.** Revocation of license for additional violations.

In the event the holder of a provisional driver's license issued pursuant to this article is convicted of violations under Section 56-1-720 of the 1976 Code totaling four or more points or any other law relative to the operation of a motor vehicle for which suspension of a driver's license is made mandatory by law during specified suspension period, the provisional driver's license shall be revoked and the full suspension imposed.

HISTORY: 1975 (59) 66.

**SECTION 56-1-1370.** Second violations during specified suspended period.

In the event the holder of a provisional driver's license issued pursuant to this article is convicted of a second violation under Section 56-5-2930, during the specified suspended period, the provisional driver's license shall be revoked and the full suspension imposed.

HISTORY: 1975 (59) 66.

**SECTION 56-1-1380.** Effect of convictions outside of State.

Upon conviction of the offense stated in Section 56-1-1320, outside the jurisdiction of the State, the person convicted may apply for the provisional driver's license in the event his South Carolina driver's license is revoked as a result of such conviction.

HISTORY: 1975 (59) 66.

**SECTION 56-1-1390.** Appeals; notice of hearing.

Any person applying for the provisional driver's license provided for in this article whose application is denied by the Department of Motor Vehicles may appeal to the circuit court or county court of the county in which he resides. The department shall be given at least ten days' notice of the hearing of the appeal.

HISTORY: 1975 (59) 66.

## ARTICLE 9 Operation of Mopeds

**SECTION 56-1-1710.** Definition of "moped".

Reserved by 2017 Act No. 89, Section 6, effective November 19, 2018.

For purposes of this article, “moped” means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

HISTORY: 1986 Act No. 528, Section 1; 1991 Act No. 94, Section 1.

**SECTION 56-1-1720.** Licensing requirement; minimum age; violations and penalties.

Section effective until November 19, 2018. See, also, section 56-1-1720 effective November 19, 2018.

Until January 1, 1987, no person under the age of twelve may operate a moped on the public highways and streets of this State. After December 31, 1986, to operate a moped on the public highways and streets of this State, a person must possess a valid driver’s license issued under Article 1 of this chapter or a valid moped operator’s license issued under this article, except that a person whose driver’s license has been suspended for a period of six months or less is not required to obtain a moped operator’s license or possess a valid driver’s license during the period of suspension. From January 1, 1987, to December 31, 1987, the Department shall not issue a moped operator’s license to any person who is less than thirteen years of age. After December 31, 1987, the Department of Motor Vehicles shall not issue a moped operator’s license to any person who is less than fourteen years of age.

Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than twenty-five dollars nor more than fifty dollars and, upon conviction of a second or subsequent offense, must be fined not less than fifty dollars nor more than one hundred dollars.

The Department may not issue a beginner’s permit or special restricted license as provided for in Sections 56-1-50 and 56-1-180 to any person convicted of a second or subsequent violation of operating a moped on the public highways and roads of this State while under age, until that person is at least fifteen and one-half years of age.

HISTORY: 1986 Act No. 528, Section 1.

**SECTION 56-1-1720.** Licensing requirement; minimum age; violations and penalties.

Section effective November 19, 2018. See, also, section 56-1-1720 effective until November 19, 2018.

(A) To operate a moped on public highways, a person must possess a valid driver’s license issued under Article 1 of this chapter or a valid moped operator’s license issued under this article. The department may issue a moped operator’s license to a person who is fifteen years of age or older.

(B) A person younger than sixteen years of age with a moped operator’s license may operate a moped:

- (1) alone during daylight hours only; and
- (2) during nighttime hours when accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. The accompanying driver must be a

passenger or within a safe viewing distance of the operator when the operator is operating a moped.

(C) A person sixteen years of age or older with a moped license may drive a moped alone any time.

(D) A person who operates a moped in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than one hundred dollars and, upon conviction of a second or subsequent offense, must be fined not more than two hundred dollars.

HISTORY: 1986 Act No. 528, Section 1; 2017 Act No. 89 (H.3247), Section 7, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 7, amended the section, revising the form of licensure a person must possess to operate a moped, and deleting the provision that prohibits the Department from issuing a beginner's permit or a special restricted license to certain persons convicted of a moped violation for a certain period of time.

**SECTION 56-1-1730.** Eligibility, suspension, revocation, or cancellation of moped operator's license.

Section effective until November 19, 2018. See, also, section 56-1-1730 effective November 19, 2018.

A person is eligible for a moped operator's license without regard to his eligibility for or the status of any other driver's license or permit. The Department of Motor Vehicles may suspend, revoke, or cancel a moped operator's license only for violations committed while operating a moped. A moped operator's license may be suspended, revoked, or canceled in the same manner and upon the same grounds for which any other motor vehicle operator's license or permit may be suspended, revoked, or canceled.

HISTORY: 1986 Act No. 528, Section 1; 1993 Act No. 181, Section 1350; 1996 Act No. 459, Section 121.

**SECTION 56-1-1730.** Eligibility, suspension, revocation, or cancellation of moped operator's license.

Section effective November 19, 2018. See, also, section 56-1-1730 effective until November 19, 2018.

(A) A person is eligible for a moped operator's license without regard to his eligibility for or the status of any other driver's license or permit.

(B) The Department of Motor Vehicles may suspend, revoke, or cancel a moped operator's license only for violations committed while operating a moped. A moped operator's license may be suspended, revoked, or canceled in the same manner and upon the same grounds for which any other motor vehicle operator's license or permit may be suspended, revoked, or canceled.

HISTORY: 1986 Act No. 528, Section 1; 1993 Act No. 181, Section 1350; 1996 Act No. 459, Section 121; 2017 Act No. 89 (H.3247), Section 8, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 8, inserted the paragraph identifiers, and designated the first sentence as (A) and the remainder of the section as (B).

**SECTION 56-1-1740.** Examination of applicants for moped operator's license; fees; expiration and renewal of license.

The Department of Motor Vehicles shall examine every applicant for a moped operator's license. The examination shall include a test of the applicant's eyesight and, as pertains to the operation of a moped, a test of his ability to read and understand highway signs regulating, warning, and directing traffic and his knowledge of the traffic laws of this State. The Department may require further physical and mental examination as it considers necessary to determine the applicant's fitness to operate a moped upon the highways, the further examination to be at the applicant's expense. The Department shall make provisions for giving an examination in the county where the applicant resides. The Department shall charge a fee of two dollars for each complete examination or reexamination required in this article.

The expiration and renewal of moped operator's licenses must be in accordance with Sections 56-1-210, 56-1-220, and 56-1-225.

HISTORY: 1986 Act No. 528, Section 1.

**SECTION 56-1-1760.** Requirement that license be in immediate possession of operator of moped and that it be displayed upon demand of certain state officers.

Every licensee shall have his license in his immediate possession at all times when operating a moped and shall display it upon demand of any officer or agent of the Department of Public Safety or any police officer of the State.

HISTORY: 1986 Act No. 528, Section 1; 1993 Act No. 181, Section 1351; 1996 Act No. 459, Section 122.

**SECTION 56-1-1770.** Application for moped operator's license.

Application for a moped operator's license must be in accordance with the procedures and requirements of Article 1, Chapter 1 of Title 56.

HISTORY: 1986 Act No. 528, Section 1.

**SECTION 56-1-1780.** Applicability of Sections 56-1-100 and 56-1-230 to holders of moped operator's licenses.

The provisions of Sections 56-1-100 and 56-1-230 apply to persons with moped operator's licenses.

HISTORY: 1986 Act No. 528, Section 1.

ARTICLE 13  
South Carolina Commercial Driver License Act

**SECTION 56-1-2005.** Administration of South Carolina Commercial Driver's License program.

The South Carolina Department of Motor Vehicles shall administer the South Carolina Commercial Driver's License Program in accordance with the Federal Motor Carrier Safety Regulations. The rules adopted by and regulations promulgated by the United States Department of Transportation (USDOT) relating to safety of operation and to equipment (49 CFR Parts 380, 382-385, and 390-399 and amendments thereto) and the rules adopted by and regulations promulgated by the USDOT relating to hazardous material (49 CFR Parts 171-180 and amendments thereto) must be adopted and enforced in South Carolina.

HISTORY: 2005 Act No. 42, Section 1, eff May 3, 2005.

**SECTION 56-1-2010.** Short title.

This article may be cited as the South Carolina Commercial Driver License Act.

HISTORY: 1989 Act No. 151, Section 2.

**SECTION 56-1-2020.** Construction.

This article is a remedial law and must be construed liberally to promote the public health, safety, and welfare. To the extent that this article conflicts with general driver licensing provisions, this article prevails. Where this article is silent, the general driver licensing provisions apply.

HISTORY: 1989 Act No. 151, Section 2.

**SECTION 56-1-2025.** Waiver of licensing and registration requirements of motor carriers providing humanitarian relief during time of emergency.

(A) The Governor may authorize the Department of Motor Vehicles to waive temporarily any requirements under the provisions of this title relating to any permits, authorizations, or licenses required to operate a motor vehicle in this State. However, a temporary waiver must be for the sole purpose of facilitating the response of motor carriers providing humanitarian relief during a time of emergency officially declared by the President of the United States, the Governor of this State, or the chief executive of another state or jurisdiction, and must satisfy the following conditions:

- (1) the driver of the vehicle must be properly licensed in his jurisdiction of residency;
- (2) the motor vehicle must be properly licensed and registered in this or another jurisdiction;

and

(3) the motor vehicle satisfies all motor vehicle insurance requirements or provisions of its jurisdiction of registration. Proof of the insurance must be carried in the cab of the motor vehicle.

(B) A motor vehicle operating pursuant to this section must be issued a statement from the person or entity authorizing the transport of goods or materials which certifies that the motor carrier is providing humanitarian relief without compensation on a volunteer basis and include a description of the materials or goods being transported during the time of declared emergency while it is in this State. The statement must be carried in the cab of the motor vehicle and be made available for inspection upon request of an employee of the Department of Motor Vehicles, or any law enforcement officer.

(C) The Department of Motor Vehicles shall determine, at the time the temporary waiver is issued, the length of time the waiver shall be in effect. However, all temporary waivers issued

pursuant to this section become void upon the termination of the time of the emergency as determined by the President of the United States, the Governor of this State, or the chief executive of another state or jurisdiction.

HISTORY: 2008 Act No. 189, Section 1, eff March 31, 2008.

**SECTION 56-1-2030. Definitions.**

As used in this article:

(1) "Commercial driver's license" means a license issued in accordance with the requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) to an individual which authorizes the individual to drive a class of commercial motor vehicle.

(2) "Commercial Driver's License Information System" means the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

(3) "Commercial driver's instruction permit" means a permit issued pursuant to Section 56-1-2080(D) of this article.

(4) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property if the vehicle:

(a) has a gross vehicle weight rating of twenty-six thousand one or more pounds;

(b) is designed to transport sixteen or more persons, including the driver; or

(c) is transporting hazardous materials and is required to be placarded in accordance with 49 CFR Part 172, subpart F.

(5) "CMVSA" means the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570).

(6) "Controlled substance" means a substance classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) listed on Schedules I through V of 21 CFR Part 1308, as revised.

(7) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(8) "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle.

(9) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

(10) "Driver" means a person who drives a commercial motor vehicle or who is required to hold a commercial driver's license.

(11) "Driver's license" means a license issued to an individual which authorizes the individual to drive a motor vehicle.

(12) "Employer" means a person, including the United States, a state, or a political subdivision of a state who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

(13) "Endorsement" means a special authorization to drive certain types of vehicles or to transport certain types of property or a certain number of passengers.

(14) “Felony” means an offense under state or federal law that is punishable by death or imprisonment for more than one year.

(15) “Foreign jurisdiction” means a jurisdiction other than a state of the United States.

(16) “Gross vehicle weight rating” means the weight or the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle (commonly referred to as the “gross combination weight rating”) is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of a towed unit.

(17) “Hazardous materials” means any material that has been designated as hazardous under 49 C.F.R. Section 383.5 and 49 U.S.C. 5103 and is required to be placarded under 49 C.F.R. Part 172, subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(18) “Motor vehicle” means a vehicle which is self-propelled and a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except a vehicle moved solely by human power and motorized wheelchairs.

(19) “Out-of-service order” means declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a person, a commercial motor vehicle, or a motor carrier operation is out of service pursuant to 49 CFR Sections 386.72, 390.5, 392.5, 395.13, 396.9, or compatible laws, or the North American Uniform Out-of-Service Criteria. For purposes of this article, regulations requiring disqualifications for violations of out-of-service orders affect all vehicles with a gross combination weight rating or gross vehicle weight rating greater than 10,000 pounds, as contained in 49 CFR Sections 383, 390.5, and 393 of the Federal Motor Carrier Regulations.

(20) “Recreational vehicle” means a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family/personal conveyance.

(21) “Restriction” means a prohibition against driving certain types of vehicles or a requirement that the driver comply with certain conditions when driving a motor vehicle.

(22) “Serious traffic violation” means a conviction when operating a motor vehicle of:

(a) excessive speeding, involving a single charge for a speed fifteen miles an hour or more above the speed limit;

(b) reckless driving, including charges of driving a commercial motor vehicle in a wilful or wanton disregard for the safety of persons or property;

(c) improper or erratic traffic lane changes;

(d) following the vehicle ahead too closely;

(e) a violation of a state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death or serious bodily injury to a person;

(f) driving a commercial motor vehicle without obtaining a commercial driver’s license;

(g) driving a commercial motor vehicle without a commercial driver’s license in the driver’s possession. A person who provides proof to the law enforcement authority that issued the citation, by the date the individual must appear in court or pay any fine for the violation, that the individual held a valid commercial driver’s license on the date the citation was issued, is not guilty of this offense; or

(h) driving a commercial motor vehicle without the proper class of commercial driver’s license, or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported, or both.

(23) “School bus” means a commercial motor vehicle used to transport pre-primary, primary, or secondary students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

(24) “State” means a state or territory of the United States and the District of Columbia and the federal government and a province or territory of Canada.

(25) “Tank vehicle” means a commercial motor vehicle that is designed to transport a liquid or gaseous material within a tank that either is attached permanently or temporarily to the vehicle or its chassis. These vehicles include, but are not limited to, cargo tanks and portable tanks as defined in 49 CFR Part 171. This definition does not include portable tanks having a rated capacity under one thousand gallons.

(26) “United States” means the fifty states and the District of Columbia.

(27) “Farm related vehicle” means a vehicle used:

(a) in custom harvester operations;

(b) in livestock feeding operations; or

(c) by an agri-chemical business or a company which hauls agri-chemical products to a farm.

(28) “Seasonal restricted commercial driver’s license” means a commercial driver’s license issued under the authority of the waiver promulgated by the Federal Department of Transportation (57 Federal Register 13650) by the department to an individual who has not passed the knowledge or skill test required of other commercial driver’s license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a custom harvester, livestock feeder, agri-chemical operation, and company hauling agri-chemical products to a farm within one hundred fifty miles of the place of business.

(29) “Traffic violation” means the offenses contained in 49 CFR 383.51(d) regarding driving disqualifications for violating railroad-highway grade crossing violations.

HISTORY: 1989 Act No. 151, Section 2; 1993 Act No. 134, Section 2; 1993 Act No. 149, Section 1; 1998 Act No. 258, Section 18; 1998 Act No. 333, Section 1; 1998 Act No. 434, Section 3; 2005 Act No. 42, Section 4, eff May 3, 2005; 2010 Act No. 216, Section 3, eff June 7, 2010.

**SECTION 56-1-2040.** Commercial drivers to have one driver’s license only; exception.

No person who drives a commercial motor vehicle may have more than one driver’s license except during the ten-day period beginning on the date the person is issued a driver’s license.

HISTORY: 1989 Act No. 151, Section 2.

**SECTION 56-1-2045.** Qualifications to be student at truck driver training school.

A person qualifies to be a student at a South Carolina truck driver training school, which offers instruction toward a South Carolina Class Three truck driver’s license, if he has a Class Three learner’s permit or an equivalent permit issued by his state of residence.

HISTORY: 1990 Act No. 391, Section 1.

**SECTION 56-1-2050.** Notification of convictions; notification of suspension, revocation, or cancellation of license; information to be supplied to employer.

(A) Notification of Convictions.

(1) A driver holding a commercial driver license issued by this State, who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control in any other state, other than a parking violation, shall notify the Department of Motor Vehicles in the manner specified by the department within thirty days of conviction.

(2) A driver holding a commercial driver license issued by this State, who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control in this or any other state, other than a parking violation, shall notify his employer in writing of the conviction within thirty days of the conviction.

(B) A driver whose commercial driver license is suspended, revoked, or canceled by a state, or who loses the privilege to drive a commercial motor vehicle in any state for any period, including being disqualified from driving a commercial motor vehicle, or who is subject to an out of service order, shall notify his employer of that fact before the end of the business day following the day the driver received notice of that fact.

(C) A person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(1) a list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) the dates between which the applicant drove for each employer;

(3) the reason for leaving that employer;

(4) any additional information required by the employer;

(5) certification that all information furnished is true and complete.

HISTORY: 1989 Act No. 151, Section 2; 1993 Act No. 181, Section 1352; 1996 Act No. 459, Section 123.

**SECTION 56-1-2060.** Employer's responsibilities.

(A) Each employer shall require the information specified in Section 56-1-2050(C).

(B) An employer knowingly may not allow, permit, or authorize a person to drive a commercial motor vehicle during a period in which:

(1) the person's commercial driver's license is suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, is disqualified from driving a commercial motor vehicle, or is subject to an out-of-service order in a state;

(2) the person has more than one driver's license, except during the ten- day period beginning on the date the employee is issued a driver's license;

(3) an employer who knowingly allows, permits, or authorizes a person to drive a commercial motor vehicle during a period in which either the vehicle or the person is subject to an out-of-service order is subject to a civil penalty of not less than two thousand seven hundred fifty dollars nor more than eleven thousand dollars; or

(4) the employer is in violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(C) An employer who is convicted of a violation of 49 CFR 383.37(d) is subject to a civil penalty of not more than ten thousand dollars.

HISTORY: 1989 Act No. 151, Section 2; 1998 Act No. 258, Section 19; 2005 Act No. 42, Section 5, eff May 3, 2005.

**SECTION 56-1-2070.** Driving commercial motor vehicle without valid license prohibited; exceptions; driving while license suspended, revoked, or cancelled; violations.

(A) Except as provided in subsection (C) or when driving under a commercial driver instruction permit and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this State, unless the person has been issued, and is in immediate possession of, a valid commercial driver license and applicable endorsements valid for the vehicle which the person is driving.

(B) A person operating a commercial motor vehicle as defined in Section 56-1-2030 and 49 CFR 383.5, without the proper class commercial license or permit with all applicable endorsements or restrictions as defined in Section 56-1-2100 must be placed out of service and is guilty of a misdemeanor and upon conviction of a first offense, must be fined not less than one hundred fifty dollars and not more than two hundred dollars or imprisoned for thirty days and upon conviction of a second offense or subsequent offense must be fined not less than two hundred fifty dollars and not more than five hundred dollars or imprisoned forty-five days or both.

(C) The following persons may operate commercial motor vehicles without a commercial driver license:

(1) active duty military personnel; members of the military reserve; members of the South Carolina National Guard who are on active duty, including personnel on full-time South Carolina National Guard duty; personnel on part-time South Carolina National Guard training and South Carolina National Guard Military technicians required to wear uniforms; and active duty military United States Coast Guard personnel while operating vehicles owned or operated by the United States government or this State for military purposes. This exception does not apply to technicians in the United States Reserves.

(2) operators of a farm vehicle which is:

(a) controlled and operated by a farmer;

(b) used to transport agricultural products, farm machinery, farm supplies, or a combination of them to or from a farm including the transportation of hazardous materials which do not pose a substantial danger to the public health and safety including fuels, fertilizers, and other agricultural chemicals used in normal farming operations as exempted pursuant to 49 C.F.R Part 173.5;

(c) not used in the operation of a common or contract motor carrier; and

(d) used within one hundred fifty miles of the person's farm.

(3) persons operating authorized emergency vehicles as defined in Section 56-5-170;

(4) operators of recreational vehicles used solely for personal use.

(D) No person may drive a commercial motor vehicle on the highways of this State while:

(1) his commercial driver license or privilege to drive is suspended, revoked, or canceled;

(2) subject to a disqualification; or

(3) in violation of an out-of-service order.

(E) A person violating the requirements of subsection (D)(3) must be punished as follows, while all other violations of this section must be punished as though convicted of a violation of Section 56-1-460. A person is disqualified for not less than:

(1) ninety days nor more than one year if the person is convicted of a first violation of an out-of-service orders. Additionally, a person who is convicted of a first violation of an out-of-service order is subject to a civil penalty of not less than two thousand five hundred dollars;

(2) one year nor more than five years if during a ten-year period the person is convicted of two violations of out-of-service orders in separate incidents. Additionally, a person who, within a ten-year period, is convicted of two violations of out-of-service orders in separate incidents is subject to a civil penalty of five thousand dollars;

(3) three years nor more than five years if during a ten-year period the person is convicted of three or more violations of out-of-service orders in separate incidents. Additionally, a person who, within a ten-year period, is convicted of three or more violations of out-of-service orders in separate incidents is subject to a civil penalty of five thousand dollars;

(4) one hundred eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service orders while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101-5127), or while operating motor vehicles designed to transport more than fifteen passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if during a ten-year period the person is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than fifteen passengers, including the driver. Additionally, a driver who is convicted of violating an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101-5127), or while operating motor vehicles designed to transport more than fifteen passengers, including the driver, is subject to a civil penalty of two thousand five hundred dollars for a first violation and five thousand dollars for a second or subsequent violation.

HISTORY: 1989 Act No. 151, Section 2; 1998 Act No. 258, Section 20; 1998 Act No. 357, Section 1; 2000 Act No. 265, Section 2; 2010 Act No. 216, Section 5, eff June 7, 2010.

**SECTION 56-1-2080.** Qualifications for license; administration of skills test; persons to whom license may not be issued; commercial driver instruction permit.

(A)(1) A person may not be issued a commercial driver's license unless that person is a resident of this State and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with the minimum federal standards established by 49 C.F.R. Part 383, subparts F, G, and H and has satisfied all other requirements of the CMVSA as well as any other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. The first commercial driver's license skills test administered by the department to an individual is free of charge; thereafter, the Department of Motor Vehicles is authorized to charge a fee of twenty-five dollars for each subsequent commercial driver's license skills test administered to that individual. State agency and school district employees who are required to possess a commercial driver's license in the course of their normal job duties are exempt from this requirement. This fee must be placed into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 by the Comptroller General.

(2) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institutions, or a department, agency, or instrumentality of local government, to administer the skills test required by this subsection if:

(a) the test is the same which otherwise would be administered by the department; and

(b) the third party has entered into an agreement with the department which contains at least the following provisions:

(i) authorization for the department or the Federal Motor Carrier Safety Administration or its representatives to conduct random examinations, inspections, and audits without prior notice and randomly test commercial driver's license applicants or holders at least annually. An applicant or holder who fails retesting shall lose his commercial driver's license;

(ii) permission for the department or its representative to conduct onsite inspections at least annually;

(iii) requirement that all third-party examiners meet the same qualifications and training standards as the department's examiners to the extent necessary to conduct the driving skill tests;

(iv) authorization for the department to charge a fee, as determined by the department, which is sufficient to defray the actual costs incurred by the department for administering and evaluating the employer testing program and for carrying out any other activities considered necessary by the department to assure sufficient training for the persons participating in the program.

(B) A commercial driver license or commercial driver instructional permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver license be issued to a person who has a commercial driver license issued by any other state unless the person first surrenders all those licenses, each of which must be returned to the issuing state for cancellation.

(C)(1) A commercial driver instruction permit may be issued to an individual who holds a valid Class "D" license and who has passed the appropriate vision and written test for the type of commercial driver license sought.

(2) The holder of a commercial driver instruction permit, unless otherwise disqualified, may drive a commercial motor vehicle but only when accompanied by the holder of a commercial driver license with applicable endorsements which is valid for the type of vehicle driven, and who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(3) The commercial driver instruction permit may not be issued for longer than six months. Only one renewal or reissuance may be granted within a two-year period.

HISTORY: 1989 Act No. 151, Section 2; 1998 Act No. 258, Section 21; 2005 Act No. 42, Section 6, eff May 3, 2005; 2008 Act No. 353, Section 2, Pt 13D, eff July 1, 2009; 2016 Act No. 275 (S.1258), Section 26, eff July 1, 2016.

**SECTION 56-1-2085.** Seasonal restricted commercial driver's license; proof of seasonal employment and other requirements; privileges granted; duration.

(A) No person may drive a commercial vehicle in this State in violation of any of the restrictions or limitations stated on the person's commercial license or restricted commercial license.

(B) The Department of Motor Vehicles may issue a seasonal restricted commercial driver's license in accordance with this section.

(C) A South Carolina seasonal restricted commercial driver's license may be issued only to a person who:

(1) is a seasonal employee of a custom harvester, livestock feeder, or an agri-chemical business;

(2) holds a valid South Carolina Class E (2) or F (3) driver's license or takes and successfully completes the required written and skill test for a class E (2) license;

(3) has at least one year driving experience as a licensed driver; and

(4) has satisfied every requirement for issuance of a commercial driver's license, except successful completion of the knowledge and skill test.

(D) The department may not issue or renew a seasonal restricted commercial driver's license for the operation of a commercial vehicle unless the applicant has not and certifies that he has not at any time during the two years immediately preceding the date of application:

(1) had more than one driver's license;

(2) had any driver's license or driving privileges suspended, revoked, or canceled;

(3) been subject to disqualification listed in 383.51 of the Federal Motor Carrier Regulations;

(4) contributed to an accident;

(5) received more than four points against his license.

(E) The applicant shall certify and provide evidence satisfactory to the department that he is employed on a seasonal basis by a custom harvester, livestock feeder, agri-chemical business, or a company hauling agri-chemical products to a farm in a job requiring the operation of a commercial vehicle.

(F) A seasonal restricted commercial driver's license entitles the licensee to operate type B and C commercial vehicles only, with the proper restriction or endorsement, or both.

(G) A seasonal restricted commercial driver's license does not entitle the licensee to operate a Class A type commercial vehicle or a vehicle placarded for hazardous materials.

(H) A seasonal restricted commercial driver's license is valid for one hundred eighty days from the date of issue in one calendar year.

(I) A seasonal restricted commercial driver's license allows the driver to operate within one hundred fifty miles of the place of business as shown on the vehicle registration.

HISTORY: 1993 Act No. 149, Section 2.

**SECTION 56-1-2090.** Application; change of licensee's name or address; penalties for falsifying information.

(A) The application for a commercial driver license or commercial driver instruction permit must include:

(1) the full name and both the current mailing and residential address of the person;

(2) a physical description of the person including sex, height, and weight;

(3) date of birth;

(4) the applicant's Social Security number;

(5) the person's signature;

(6) the person's consent to be photographed;

(7) certifications including those required by 49 C.F.R. part 383.71(a);

- (8) any other information required by the Department of Motor Vehicles;
- (9) a consent to release driving record information; and
- (10) a nonrefundable application fee of fifteen dollars, except for public school bus drivers.

(B) When the holder of a commercial driver license changes his name, mailing address, or residence, an application for a renewal license must be made as provided in Section 56-1-230.

(C) No person who has been a resident of this State for thirty days or longer may drive a commercial motor vehicle under the authority of a commercial driver license or commercial driver instruction permit issued by another state.

(D) A person who knowingly falsifies information or certifications required under subsection (A) of this section is subject to cancellation of his commercial driver license and may not obtain a commercial driver license or commercial driver instruction permit for at least sixty consecutive days after the time he otherwise would be eligible for a commercial driver license or commercial driver instruction permit.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:

	Fees and Penalties	General Fund	Department of
	Collected After	of the State	Transportation
			State Non-Federal Aid
			Highway Fund
	June 30, 2005	60 percent	40 percent
	June 30, 2006	20 percent	80 percent
	June 30, 2007	0 percent	100 percent.

HISTORY: 1989 Act No. 151, Section 2; 2005 Act No. 176, Section 10, eff June 14, 2005.

**SECTION 56-1-2100.** Commercial driver license; contents; classifications of vehicles.

(A) The commercial driver license must be marked “Commercial Driver License” or “CDL”, and must be, to the maximum extent practicable, tamper proof. It must include, but not be limited to, the following information:

- (1) the name and residential address of the person;
- (2) the person’s color photograph;
- (3) a physical description of the person including sex, height, and weight;
- (4) date of birth;
- (5) a number or identifier considered appropriate by the Department of Motor Vehicles;
- (6) the person’s signature;
- (7) the class or type of commercial motor vehicles which the person may drive together with any endorsements or restrictions;
- (8) the name of this State; and
- (9) the dates between which the license is valid.

(B) The holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles which

require an endorsement may not be driven unless the proper endorsement appears on the license. Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions:

(1) Classifications:

(a) Class A: A combination of vehicles with a gross combination weight rating of twenty-six thousand one pounds or more provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand pounds.

(b) Class B: A single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle not in excess of ten thousand pounds gross vehicle weight rating.

(c) Class C: A single vehicle, or combination of vehicles, that are not Class A or B vehicles but either designed to transport sixteen or more passengers including the driver, or are required to be placarded for hazardous materials under 49 C.F.R. Part 172, subpart F.

(2) Endorsements are added to commercial driver licenses as required under Part 383.153 of the Federal Motor Carrier Safety Regulations.

(3) Restrictions are added to commercial driver licenses as required under Part 383.153 of the Federal Motor Carrier Safety Regulations.

(C) Before issuing a commercial driver license, the department must obtain a driving record through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(D) Within ten days after issuing a commercial driver license, the department must notify the Commercial Driver License Information System of that fact, providing all information required to insure identification of the person.

(E) A commercial driver license issued by the department expires on the licensee's birth date on the fifth calendar year after the calendar year in which it is issued.

(F) A person applying for renewal of a commercial driver's license must complete the application form required by Section 56-1-2090(A), and provide updated information and required certifications. Every applicant must take and pass the written test for hazardous material endorsement to obtain or retain the endorsement. The person also shall submit to and pass a vision test.

**HISTORY:** 1989 Act No. 151, Section 2; 1993 Act No. 181, Section 1353; 1996 Act No. 459, Section 124; 1998 Act No. 258, Section 22; 2000 Act No. 265, Section 1; 2005 Act No. 42, Sections 7, 8, eff May 3, 2005; 2010 Act No. 216, Section 4, eff June 7, 2010; 2014 Act No. 274 (H.5014), Section 1, eff June 9, 2014.

**SECTION 56-1-2110.** Disqualification from driving commercial motor vehicle.

(A) A person is disqualified from driving a commercial motor vehicle for not less than one year if convicted of a first violation of:

(1) driving a motor vehicle under the influence of alcohol, a controlled substance, or a drug which impairs driving ability as prescribed by state law;

(2) driving a commercial motor vehicle while the alcohol concentration of the person's blood or breath or other bodily substance is four one-hundredths or more;

(3) leaving the scene of an accident involving a motor vehicle driven by the person;

(4) using a motor vehicle in the commission of a felony as defined in this article;

(5) refusal to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;

(6) driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver's license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle;

(7) causing a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide. If any of the above violations occur while transporting a hazardous material required to be placarded, the person is disqualified for not less than three years.

(B) A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection (A) or a combination of those offenses, arising from two or more separate incidents.

(C) Only offenses committed after the effective date of this article may be considered in applying this subsection.

(D) The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (B) may be reduced to not less than ten years.

(E) A commercial driver's license holder is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(F) A person is disqualified from driving a commercial motor vehicle for not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations committed in a motor vehicle arising from separate incidents occurring within a three-year period.

(G) A person is disqualified from driving a commercial motor vehicle if a report pursuant to Section 56-1-2220 has been received by the Department of Motor Vehicles that the person has received a verified positive drug test or positive alcohol confirmation test, or refused to take a drug or alcohol test. A disqualification under this subsection remains in effect until the person undergoes a drug and alcohol assessment by a substance abuse professional meeting the requirements of 49 C.F.R. 40, and the substance abuse professional certified in a manner approved by the Department of Alcohol and Other Drug Abuse Services that the person has successfully completed a drug or alcohol treatment or education program as recommended by the substance abuse professional. A person who is disqualified under this subsection more than three times in a five-year period is disqualified for life.

(H) After suspending, revoking, or canceling a commercial driver's license, the department shall update its records to reflect that action immediately. After suspending, revoking, or canceling a nonresident commercial driver's privilege, the department shall notify the licensing authority of the state which issued the commercial driver's license or commercial driver's instruction permit within ten days.

(I) For purposes of this section, serious traffic violations are those violations contained in Section 56-1-2030(22) and 49 C.F.R. 383.5 and 383.51.

HISTORY: 1989 Act No. 151, Section 2; 1993 Act No. 181, Section 1354; 1996 Act No. 459, Section 125; 2005 Act No. 42, Section 9, eff May 3, 2005; 2008 Act No. 232, Section 2, eff May 21, 2008.

**SECTION 56-1-2111.** Circumstances barring issuance of license.

The department shall not issue a commercial driver's license or a commercial special license or permit which includes a provisional, route restricted hardship, or temporary license that permits a person to drive a commercial motor vehicle during a period in which:

(1) the person is disqualified from operating a commercial motor vehicle as defined by Section 383.5, or under the provisions of Sections 383.73(g) or 384.231(b)(2) of the FMCSR;

(2) the commercial driver's license holder's noncommercial driving privilege has been revoked, suspended, or cancelled; or

(3) any driver's license held by the person is suspended, revoked, or cancelled by the State where the driver is licensed for any state or local law related to motor vehicle traffic control other than a parking violation.

HISTORY: 2005 Act No. 42, Section 2, eff May 3, 2005.

**SECTION 56-1-2112.** Offenses resulting in disqualification from operating commercial motor vehicle; time periods.

(A) A driver who is convicted of operating a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing is disqualified from operating a commercial motor vehicle for the period of time specified in subsection (B):

(1) for drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(2) for drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(3) for drivers who are always required to stop, failing to stop before driving onto the crossing;

(4) for all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(5) for all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing;

(6) for all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(B) A person is disqualified from driving a commercial motor vehicle for committing an offense contained in subsection (A) for not less than:

(1) sixty days for the first conviction committed in a commercial motor vehicle;

(2) one hundred twenty days for the second conviction committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period; and

(3) one year for the third or subsequent conviction committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

HISTORY: 2005 Act No. 42, Section 3, eff May 3, 2005.

**SECTION 56-1-2115.** Commercial driver's license re-examination.

(A) A person who has been disqualified from driving a commercial vehicle pursuant to the provisions contained in Section 56-1-2110 for one year or more, must complete successfully the

requirements contained in Section 56-1-2080 and satisfy all other requirements imposed by state or federal law before the person is eligible to be re-examined pursuant to the provisions contained in subsection (B).

(B) The re-examination consists of the commercial driver license standards contained in 49 CFR of the Federal Motor Carrier Regulations which includes successful completion of the applicable knowledge tests and the complete road test which includes pre-trip inspection, basic control skills, and the on-road test.

HISTORY: 1998 Act No. 258, Section 17.

**SECTION 56-1-2120.** Driving with measurable amount of alcohol prohibited; possession of alcoholic beverage.

(A) A person may not drive a commercial motor vehicle within this State while having a measurable amount of alcohol in his body.

(B) A person who drives a commercial motor vehicle within this State while having a measurable amount of alcohol in his system or who refuses to submit to an alcohol test under Section 56-1-2130 must be placed out-of-service for twenty-four hours.

(C) A person who drives a commercial motor vehicle in this State with an alcohol concentration of four one-hundredths of one percent or more must be disqualified from driving a commercial motor vehicle under Section 56-1-2110.

(D) A person must not be on duty or operate a commercial motor vehicle while he possesses an alcoholic beverage that is not part of the manifest and transported as part of the shipment.

HISTORY: 1989 Act No. 151, Section 2; 1998 Act No. 258, Section 23.

**SECTION 56-1-2130.** Tests for alcohol or drugs; presumption of consent; administration of tests; warnings; refusal to take test; reports required.

(A) A person who drives a commercial motor vehicle within this State is considered to have given consent, subject to provisions of Section 56-5-2950, to take a test of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(B) Tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver of a commercial motor vehicle, has probable cause to believe that the driver was driving a commercial motor vehicle while having a measurable amount of alcohol in his system.

(C) A person requested to submit to a test as provided in subsection (A) must be warned by the law enforcement officer requesting the test, that a refusal to submit to the test must result in that person being placed out of service immediately for twenty-four hours and being disqualified from operating a commercial motor vehicle for not less than one year under Section 56-1-2110.

(D) If the person refuses testing, or submits to a test which discloses an alcohol concentration of four one-hundredths of one percent or more, the law enforcement officer shall submit a report to the Department of Motor Vehicles certifying that the test was requested pursuant to subsection (A) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of four one-hundredths of one percent or more.

(E) Upon receipt of the report of a law enforcement officer submitted under subsection (D), the department shall disqualify the driver from driving a commercial motor vehicle under Section 56-1-2110.

HISTORY: 1989 Act No. 151, Section 2; 1993 Act No. 181, Section 1355; 1996 Act No. 459, Section 126.

**SECTION 56-1-2140.** Report of conviction of nonresident licensee; required action.

Within ten days after receiving a report of the conviction of a nonresident holder of a commercial driver license for a violation of state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, committed in a commercial motor vehicle, the Department of Motor Vehicles shall notify the driver licensing authority in the licensing state of the conviction.

HISTORY: 1989 Act No. 151, Section 2; 1993 Act No. 181, Section 1356; 1996 Act No. 459, Section 127.

**SECTION 56-1-2150.** Authorized drivers of commercial motor vehicles.

A person may drive a commercial motor vehicle if the person has a commercial driver license issued by a state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the person's license is not suspended, revoked, or cancelled and if the person is not disqualified from driving a commercial motor vehicle.

HISTORY: 1989 Act No. 151, Section 2.

**SECTION 56-1-2156.** Failure of commercial motor vehicle drivers to comply with lane restrictions.

Notwithstanding any other provision of law, a commercial motor vehicle driver may not be assessed points against his driving record for failing to comply with lane restrictions posted on the interstate highway system by the Department of Transportation. For purposes of this section, a driver record means a commercial driver's license issued pursuant to Article 13, Chapter 1 of Title 56 and a driver's license issued pursuant to Section 56-1-130 for which points are assessed in Section 56-1-720.

HISTORY: 1999 Act No. 17, Section 6.

**SECTION 56-1-2160.** Penalties.

An offense for which no specific penalty is provided by this article must be punished in accordance with Section 56-5-6190.

HISTORY: 1989 Act No. 151, Section 2.

## ARTICLE 14

### South Carolina Commercial Driver's License Drug Testing Act

**SECTION 56-1-2210.** Definitions

(1) Unless otherwise specified, the terms used in this article have the same meaning as those terms defined in 49 C.F.R. 40.3.

(2) For purposes of this article, “employer” includes all motor carriers or employers who employ drivers who operate commercial motor vehicles and who are required to have a drug and alcohol testing program pursuant to the Federal Motor Carrier Safety Regulations, 49 C.F.R. 382, or to a consortium to which the carrier or employer belongs and consortiums or third party administrators who perform drug and alcohol testing services pursuant to 49 C.F.R. 382 for an owner-operator.

(3) For purposes of this article, “employee” includes a person holding a resident or nonresident commercial motor vehicle driver’s license employed by an employer described in subsection (2) who performs a safety sensitive function, or an owner-operator subject to testing by a consortium or third party administrator who performs drug and alcohol testing services pursuant to 49 C.F.R. 382.

(4) For purposes of this article, “applicant” means a person holding a resident or nonresident commercial motor vehicle driver’s license seeking employment with an employer described in subsection (2) who will perform a safety sensitive function as part of his employment.

HISTORY: 2008 Act No. 232, Section 1, eff May 21, 2008.

**SECTION 56-1-2220.** Providing and testing specimens; reports of refusal to provide and results of tests to employer and department; records; admissibility of test results.

(A) All employers shall report to the Department of Motor Vehicles within three business days a refusal by an employee or applicant made to the employer to provide a specimen for a drug or alcohol test under circumstances that constitute the refusal of a test under 49 C.F.R. 40.

(B) All medical review officers or breath alcohol technicians hired by or under contract to an employer shall report to the employer within three business days:

(1) a verified positive drug test or positive alcohol confirmation test of an employee or applicant;

(2) a refusal by an employee or applicant to provide a specimen for a drug or alcohol test under circumstances that constitute the refusal of a test under 49 C.F.R. 40; or

(3) the submission of an adulterated specimen, a diluted positive specimen, or a substituted specimen by an employee or applicant.

(C) Employers shall make it a written condition of their contract or agreement with a medical review officer or breath alcohol technician, regardless of the state where the medical review officer or breath alcohol technician is located, that the medical review officer or breath alcohol technician is required to report to the employer the information required by subsection (B).

(D) Upon receipt of the notification from a medical review officer or a breath alcohol technician, employers shall report to the department within three business days:

(1) a verified positive drug test or positive alcohol confirmation test of an employee or applicant;

(2) a refusal by an employee or applicant made to a medical review officer or breath alcohol technician to provide a specimen for a drug or alcohol test under circumstances that constitute the refusal of a test under 49 C.F.R. 40; or

(3) the submission of an adulterated specimen, a diluted positive specimen, or a substituted specimen by an employee or applicant.

(E) The notification required by this section must be made in a manner approved by the department and must include on the notification submitted to the department a coding method that indicates whether the person who is the subject of the notification is an employee or applicant.

(F) An employer must maintain a record of the notification to the department on each employee or applicant for three years.

(G) The records required by this section are subject to inspection by the Department of Public Safety.

(H) Evidence included in a person's motor vehicle record that indicates the person tested positive on a drug or alcohol confirmation test, refused to submit to a drug or alcohol confirmation test, or submitted a diluted or adulterated specimen is not admissible in any action unless probative to demonstrate that the person was under the influence of drugs or alcohol at the time of an accident that is the subject of the action.

HISTORY: 2008 Act No. 232, Section 1, eff May 21, 2008.

**SECTION 56-1-2230.** Failure to report and employing disqualified employee; fines.

(A) An employer, medical review officer, or breath alcohol technician who knowingly fails to make a report to the Department of Motor Vehicles as required by this article is subject to a fine of up to five hundred dollars.

(B) An employer who employs a person in a safety sensitive function when the employer knows the employee is disqualified from driving a commercial motor vehicle pursuant to Section 56-1-2110(G) is subject to a fine of up to two thousand dollars.

(C) The penalties provided by this section do not apply to the State, a state agency, or a political subdivision.

(D) Any person or entity is immune from liability for the good faith performance of any duty imposed by this article.

(E) Fines collected pursuant to this section must be credited to the Department of Public Safety's Transport Police Division.

HISTORY: 2008 Act No. 232, Section 1, eff May 21, 2008.

ARTICLE 15  
Identification Card

**SECTION 56-1-3350.** Issuance of special identification card; veteran designation; fees and fee waivers.

(A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card as long as the:

- (1) application is made on a form approved and furnished by the department;
- (2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth; and
- (3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsections (A)(1) and (2) and provides documentation that he is autistic from a physician licensed in this State, as defined in Section 40-47-20(35). The special

identification requested must be indicated by a symbol designated by the department on the person's special identification card.

(B) An applicant for a new, renewed, or replacement South Carolina driver's license may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his driver's license by providing a:

(1) United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of "honorable" or "general under honorable conditions" and establishes the person's qualifying military service in the United States Armed Forces; and

(2) payment of a one dollar fee that must be collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C)(1) The fee for the issuance of the special identification card is five dollars for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(D) The identification card expires five years from the date of issuance.

(E) Special identification cards issued to persons under the age of twenty-one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty-one.

(F) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund.

HISTORY: 1993 Act No. 181, Section 1357; 1996 Act No. 459, Section 128; 2000 Act No. 227, Section 1; 2005 Act No. 176, Section 11, eff June 14, 2005; 2010 Act No. 277, Section 4, eff July 1, 2011; 2011 Act No. 27, Section 6, eff May 18, 2011; 2012 Act No. 147, Section 2, eff April 23, 2012; 2016 Act No. 275 (S.1258), Section 27, eff July 1, 2016; 2017 Act No. 19 (S.344), Section 2, eff May 9, 2017.

Editor's Note

2010 Act No. 277, Section 7, provides:

"This act takes effect July 1, 2011, and applies to all persons convicted of a crime of violence as defined in Section 16-23-10(3)."

2011 Act No. 27, Sections 7 and 8, provide as follows:

"SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

"(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.

"(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.

"(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.

"(4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011.

“(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

“(6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011.

“(7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.

“(8) Notify each registered elector who does not have a South Carolina issued driver’s license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56-1-3350.

“In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

“SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.”

Effect of Amendment

2017 Act No. 19, Section 2, in (A), added (3), relating to autism designations placed on a special identification card, and made other nonsubstantive changes.

**SECTION 56-1-3360. Misuse of card prohibited.**

It is unlawful for any person to:

(1) alter a special identification card so as to provide false information on the card or to sell or issue a fictitious special identification card;

(2) use a special identification card not issued to the person, an altered special identification card, or a special identification card containing false information to defraud another or violate the law;

(3) to lend his special identification card to any person or knowingly permit its use by another.

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1993 Act No. 181, Section 1357.

**SECTION 56-1-3370. Size, shape, design, photograph; card to be distinguishable from driver’s license.**

The special identification card issued pursuant to this article shall be similar in size, shape, and design to a motor vehicle driver’s license, including a color photograph of the person to whom it is issued. Provided, however, that the card shall be readily distinguishable from a driver’s license

by a difference in color, and there shall be printed on the face of such card a statement that the card does not enable the person to whom it is issued to operate a motor vehicle.

HISTORY: 1993 Act No. 181, Section 1357.

**SECTION 56-1-3380.** Information submitted in application for card confidential; exceptions.

Any information obtained from an application for the issuance, renewal, or replacement of a special identification card shall be confidential and shall not be divulged to any person, association, corporation or organization, public or private, except to the legal guardian or attorney of the applicant, or to a person, association, corporation or organization named in writing by the applicant, his legal guardian or his attorney. Provided, however, that this restriction shall not prevent furnishing the application or any information thereon to a law enforcement agency.

HISTORY: 1993 Act No. 181, Section 1357.

**SECTION 56-1-3400.** False or fictitious information or fraud a violation.

Any person who shall use a false or fictitious name or give a fictitious address in any application for an identification card or renewal thereof, or knowingly make a false statement or conceal a material fact or otherwise commit a fraud in any such application, shall be fined not more than five hundred dollars or imprisoned for not more than six months.

HISTORY: 1993 Act No. 181, Section 1357.

## CHAPTER 2 Specialized Vehicles

### ARTICLE 1 Low Speed Vehicles

**SECTION 56-2-100.** Conditions for operation on street or highway.

(A) A low speed vehicle may be operated only on a highway for which the posted speed limit is thirty-five miles an hour or less.

(B) A low speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

(C) A low speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway. A low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title.

(D) Nothing in this section prevents local governments from adopting more stringent local ordinances governing low speed vehicle operation.

(E) A county or municipality may prohibit the operation of low speed vehicles on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(F) The Department of Transportation may prohibit the operation of low speed vehicles on any street or highway if it determines that the prohibition is necessary in the interest of safety.

(G) A farm vehicle, as defined in Section 56-1-2070(C)(2), is not a low speed vehicle for the purposes of this article.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005); 2012 Act No. 264, Section 10, eff June 18, 2012.

**SECTION 56-2-105.** Golf cart permit and the operation of a golf cart.

(A) For the purposes of this section, “gated community” means any homeowners’ community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

(B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee.

(C) During daylight hours only:

(1) A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(2) A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(3) Within four miles of the registration holder’s address, and while traveling along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

(4) A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(D) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver’s license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

- (1) the registration certificate issued by the department;
- (2) proof of liability insurance for the golf cart; and
- (3) his driver’s license.

(E) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(F)(1) A political subdivision may, on designated streets or roads within the political subdivision’s jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.

(2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision’s jurisdiction, create separate golf cart paths on the shoulder of its primary highways, secondary highways, streets and roads for the purpose of golf cart transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and

(b) the golf cart path is:

- (i) separated from the traffic lanes by a hard concrete curb;

- (ii) separated from the traffic lanes by parking spaces; or
- (iii) separated from the traffic lanes by a distance of four feet or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted golf carts.

(4) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.

(G) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

**HISTORY:** 2012 Act No. 177, Section 1, eff October 1, 2012; 2015 Act No. 86 (S.211), Section 1, eff June 8, 2015; 2016 Act No. 246 (H.5118), Section 1, eff June 6, 2016.

Editor's Note

2016 Act No. 246, Section 2, provides as follows:

“SECTION 2. Any municipal or county ordinance enacted pursuant to Section 56-2-105(F)(3) shall expire on January 1, 2021.”

**SECTION 56-2-110.** Driver's license and registration card.

A person operating a low speed vehicle must be at least sixteen years of age and shall hold a valid driver's license. The operator of a low speed vehicle being operated on a highway must have in his possession:

(1) the registration card issued by the department or the registration card issued by the state in which the low speed vehicle is registered; and

(2) his driver's license.

**HISTORY:** 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

**SECTION 56-2-120.** Title requirement; title applications by nonresidents; license plates.

(A) A low speed vehicle must be titled as specified in this title. The manufacturer's or importer's certificate of origin must identify clearly the vehicle as a low speed vehicle and must certify that the vehicle was manufactured in compliance with the equipment requirements for low speed vehicles in 49 C.F.R. Section 571.500. The State shall not issue vehicle identification numbers to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles, and these vehicles shall not qualify as low speed vehicles in this State.

(B) If the vehicle is owned by a nonresident, but is subject to issuance of a certificate of title in this State, the application must also contain his:

(1) full legal name, social security number, or, if the primary user does not have a social security number but has a passport, his passport number;

(2) driver's license number, whether the license was issued by this State or another jurisdiction;

(3) date of birth;

(4) bona fide principal residence address;

(5) address in this State where the low speed vehicle will be housed and used; and

(6) mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application must contain the business address and federal employer identification number of the primary user.

(C) A low speed vehicle must be registered and licensed in the same fashion as passenger vehicles pursuant to this title and is subject to the same insurance requirements applicable to other motor vehicles under this title.

(D) The Department of Motor Vehicles shall establish a special size and class of license plate for low speed vehicles that clearly identifies the vehicle as a low speed vehicle.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

#### **SECTION 56-2-130. Dealer licensing.**

A person engaged in the wholesale or retail sale of low speed vehicles must comply with the motor vehicle dealer licensing laws of this State as specified in this title.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

## ARTICLE 2

### Motor Vehicle Registration and Property Tax

**SECTION 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.**

(A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

(B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253. Text of (C) effective until November 19, 2018.

(C) All validation decals must be issued for a period not to exceed twelve months.

Text of (C) effective November 19, 2018.

(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.

(D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

HISTORY: 1996 Act No. 459, Section 129; 1997 Act No. 40, Section 1; 2003 Act No. 51, Section 15; 2017 Act No. 89 (H.3247), Section 9, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 9, in (C), added “, except for vehicles which do not require the payment of property taxes”.

### ARTICLE 3

#### Mopeds

**SECTION 56-2-3000.** Valid moped operator’s license required.

Section effective November 19, 2018.

A person operating a moped on a public highway at all times must have in his possession a valid moped operator’s license or valid driver’s license and moped registration.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3010.** Moped registration required; special moped license plates; insurance; taxes.

Section effective November 19, 2018.

(A) A moped operated on a public highway must be registered and licensed with the department in the same fashion as passenger vehicles pursuant to this title.

(B) The department shall establish for mopeds a special size and class of license plates with distinctive numbering and/or lettering so as to be identifiable to law enforcement.

(C) Mopeds are not required to be titled or insured in this State.

(D) Mopeds are exempt from ad valorem property taxes in this State.

(E) If a manufacturer’s certificate of origin states the vehicle is a “motor scooter”, “motor-driven cycle”, or any similar term, the definitions of “motorcycle” and “moped”, as shown in Section 56-1-10, must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3020.** Mopeds of nonresidents.

Section effective November 19, 2018.

(A) A privately owned and operated moped of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed provided that the moped:

(1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and

(2) has displayed or issued a valid registration, registration card, license plate or decal, or other indicia satisfactorily evidencing compliance with the requirements of the owner's home jurisdiction.

(B) The moped of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident's:

(1) establishment of domicile in this State; or

(2) operation of the moped in this State for an accumulated period exceeding one hundred and eighty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3030.** Application for registration and licensing of mopeds.

Section effective November 19, 2018.

An owner of a moped required to be registered in this State must make application to the department for the registration and licensing of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3040.** Application requirements.

Section effective November 19, 2018.

(A) An application for registration and licensing of a moped must contain:

(1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation;

(2) a description of the moped including, insofar as this exists with respect to a given moped, the make, model, type of body, serial number or other identifying number, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the moped; and

(3) other information that reasonably may be required by the department to enable the department to determine whether the moped is lawfully entitled to registration and licensing.

(B) The application shall be accompanied by a bill of sale and a vehicle registration certificate, manufacturer's certificate of origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine or wattage of the engine, as applicable.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3050.** Title issued with moped registration.

Section effective November 19, 2018.

The department, at the request of the owner, may issue a title for the moped in conjunction with the moped registration, provided that the owner makes application for title on the appropriate form and provides the department with a manufacturer's certificate of origin or a prior title. If an owner cannot provide a manufacturer's statement of origin or prior title, the moped may be registered, but not titled.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3060. Penalties.**

Section effective November 19, 2018.

(A) A person is guilty of a misdemeanor who:

(1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this article;

(2) knowingly makes a false statement in an application; or

(3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3070. Moped operation.**

Section effective November 19, 2018.

(A) A person may not ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A moped may not be used to carry more persons at one time than the number for which it is designed and equipped by the manufacturer to carry.

(B) A moped, while traveling along a multilane highway, must be operated in the farthest right lane except when making a left turn or when travel in the farthest right lane is unsafe.

(C) A person under the age of twenty-one may not operate or ride upon a moped unless he wears a protective helmet identical to underage motorcycle helmet requirements provided in Section 56-5-3660.

(D) A person may not operate a moped at a speed in excess of thirty-five miles per hour.

(E) A person may not operate a moped on a public highway that has a speed limit of greater than fifty-five miles per hour. A person operating a moped may cross an intersection at a public highway that has a speed limit of greater than fifty-five miles per hour.

(F) The operator of a moped must have turned on and in operation the operational lights and the headlight at all times while the moped is in operation.

(G) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3080. Requirements for selling, leasing, or renting mopeds; penalties.**

Section effective November 19, 2018.

(A) It is unlawful for a person in the business of selling, leasing or renting mopeds to sell, lease or rent a moped for use on the public highways of this State without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) operable headlights and running lights; and
- (4) brake lights which are operable when either brake is deployed.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3090.** Law governing operation of mopeds posted in seller's place of business. Section effective November 19, 2018.

A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including, but not limited to, age restrictions, maximum speeds, and the definition of a moped.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

**SECTION 56-2-3100.** Moped seller not required to obtain motor vehicle dealer's license. Section effective November 19, 2018.

A person or entity selling mopeds is not required to obtain a motor vehicle dealer's license.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

#### ARTICLE 4 Penalties

**SECTION 56-2-4000.** Violations of chapter; penalties. Section effective November 19, 2018.

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. A person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 11, eff November 19, 2018.

### CHAPTER 3 Motor Vehicle Registration and Licensing

#### ARTICLE 1 Short Title; Definitions

**SECTION 56-3-10.** Short title.

This chapter shall be known and cited as the “South Carolina Motor Vehicle Registration and Licensing Act.”

HISTORY: 1962 Code Section 46-1; 1952 Code Section 46-1; 1949 (46) 342.

**SECTION 56-3-20. Definitions.**

Section effective until November 19, 2018. See, also, section 56-3-20 effective November 19, 2018.

For purposes of this chapter, the following words and phrases are defined as follows:

(1) “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(2) “Motor vehicle” means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(3) “Motorcycle” means every motorcycle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.

(4) “Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower.

(5) “Authorized emergency vehicle” means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.

(6) “School bus” means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.

(7) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.

(8) “Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) “Road tractor” means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) “Special mobile equipment” includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditchdigging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) “Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) "Foreign vehicle" means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

(18) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(19) "Gross weight" or "gross weight vehicle" means the weight of a vehicle without load plus the weight of any load on it.

(20) "Load capacity" means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.

(21) "Owner" means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.

(22) "Nonresident" means every person who is not a resident of this State.

(23) "Dealer" or "motor vehicle dealer" means both "dealer" and "wholesaler" as defined in Chapter 15 of this title.

(24) [Deleted]

(25) "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.

(26) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(27) "Odometer reading" means actual cumulative distance traveled disclosed on the odometer.

(28) "Odometer disclosure statement" means a statement, as prescribed by item (4) of Section 56-3-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(29) "Moped" means every cycle with pedals to permit propulsion by human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one-half

brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty-five miles per hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(30) Reserved.

(31) Reserved.

**HISTORY:** 1962 Code Section 46-2; 1952 Code Section 46-2; 1949 (46) 342; 1980 Act No. 385, Section 1; 1983 Act No. 118 Sections 1, 2; 1986 Act No. 528, Sections 3, 4; 1992 Act No. 486, Sections 6, 7; 1993 Act No. 181, Section 1358; 1996 Act No. 459, Section 246A; 2000 Act No. 375, Section 3; 2017 Act No. 34 (S.444), Sections 4, 5, eff November 10, 2017.

**SECTION 56-3-20.** Definitions.

Section effective November 19, 2018. See, also, section 56-3-20 effective until November 19, 2018.

For purposes of this chapter, the following words and phrases are defined as follows:

(1) Reserved.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(5) “Authorized emergency vehicle” means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.

(6) “School bus” means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.

(7) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.

(8) “Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) “Road tractor” means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) “Special mobile equipment” includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditch-digging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) “Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) "Foreign vehicle" means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

(18) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(19) "Gross weight" or "gross weight vehicle" means the weight of a vehicle without load plus the weight of any load on it.

(20) "Load capacity" means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.

(21) "Owner" means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.

(22) Reserved.

(23) "Dealer" or "motor vehicle dealer" means both "dealer" and "wholesaler" as defined in Chapter 15 of this title.

(24) Reserved.

(25) "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.

(26) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(27) "Odometer reading" means actual cumulative distance traveled disclosed on the odometer.

(28) "Odometer disclosure statement" means a statement, as prescribed by item (4) of Section 56-3-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(29) Reserved.

(30) Reserved.

(31) Reserved.

HISTORY: 1962 Code Section 46-2; 1952 Code Section 46-2; 1949 (46) 342; 1980 Act No. 385, Section 1; 1983 Act No. 118 Sections 1, 2; 1986 Act No. 528, Sections 3, 4; 1992 Act No. 486, Sections 6, 7; 1993 Act No. 181, Section 1358; 1996 Act No. 459, Section 246A; 2000 Act No. 375, Section 3; 2017 Act No. 34 (S.444), Sections 4, 5, eff November 10, 2017; 2017 Act No. 89 (H.3247), Section 12, eff November 19, 2018.

Code Commissioner's Note

At the direction of the Code Commissioner, the amendments made by 2017 Act No. 34 and 2017 Act No. 89 were read together.

Effect of Amendment

2017 Act No. 34, Section 4, reserved (30), which related to the definition of "automotive three-wheel vehicle".

2017 Act No. 34, Section 5, reserved (31), which related to the definition of "motorcycle three-wheel vehicle".

2017 Act No. 89, Section 12, reserved (1) to (4), which had related to the definitions of "vehicle", "motor vehicle", "motorcycle", and "motor-driven cycle"; reserved (22), which had related to the definition of "nonresident"; reserved (24), which had been deleted; reserved (29), which had related to the definition of "moped"; and made a nonsubstantive change.

### ARTICLE 3

#### Registration and Licensing Generally

**SECTION 56-3-110.** Vehicles required to be registered and licensed.

Every motor vehicle, trailer, semitrailer, pole trailer and special mobile equipment vehicle driven, operated or moved upon a highway in this State shall be registered and licensed in accordance with the provisions of this chapter. It shall be a misdemeanor for any person to drive, operate or move upon a highway or for the owner knowingly to permit to be driven, operated or moved upon a highway any such vehicle which is not registered and licensed and the required fee paid as provided for in this chapter.

HISTORY: 1962 Code Section 46-11; 1952 Code Section 46-11; 1949 (46) 342.

**SECTION 56-3-120.** Exemptions from registration and licensing requirement.

The following vehicles are exempt from registration and licensing under this chapter:

(1) a vehicle driven, operated, or moved upon a highway pursuant to the provisions of this chapter relating to nonresidents or under temporary permits issued by the department as authorized;

(2) any implement of husbandry, including a knuckleboom loader mounted on a trailer or straight truck, whether of a type otherwise subject to registration and license which only incidentally is operated or moved upon a highway;

(3) a special mobile equipment vehicle which only occasionally is moved over a highway and special mobile equipment vehicle of the State or its departments, agencies, or political subdivisions;

(4) a vehicle owned and operated by the government of the United States; and  
Text of (5) effective until January 1, 2019.

(5) a trailer or semitrailer of a motor carrier as defined in Section 12-37-2810 for which the fee-in-lieu of taxes and registration requirements has been paid and a distinctive permanent plate has been issued pursuant to Section 12-37-2860;

Text of (5) effective January 1, 2019.

(5) a trailer or semitrailer commonly used in combination with a large commercial motor vehicle, as defined in Section 12-37-2810, for which trailer or semitrailer the fee imposed pursuant to Section 12-37-2860 is paid and applicable registration requirements provided pursuant to Article 23, Chapter 37, Title 12, are met, and a distinctive permanent plate has been issued pursuant to Section 12-37-2860.

(6) firefighting vehicles that are publicly owned by the state or a county, municipality, or special purpose district as follows:

(a) motorized firefighting vehicles that carry a pump or water tank in excess of three hundred gallons;

(b) motorized firefighting vehicles containing a hydraulically operated ladder; and

(c) specialized support vehicles that specifically transport equipment utilized for rescue operations, hazardous materials response, wildfire emergencies, breathing air refill support, and incident command.

HISTORY: 1962 Code Section 46-12; 1952 Code Section 46-12; 1949 (46) 342; 1996 Act No. 425, Section 2; 1997 Act No. 125, Section 1I; 2000 Act No. 375, Section 4; 2002 Act No. 348, Section 6; 2017 Act No. 40 (H.3516), Section 8.C, eff January 1, 2019.

Editor's Note

2017 Act No. 40, Sections 8.L, 8.M, provide as follows:

“L. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12-37-2820 and 12-37-2850 at the time the vehicle's registration fees are paid.

“(2) Notwithstanding the provisions in Section 12-37-2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019, the first four hundred thousand dollars of fee revenue collected pursuant to Section 12-37-2865 must be retained by the Department of Motor Vehicles to defray programming costs.

“(3) The initial millage required by Section 12-37-2850 must be calculated on or before June 1, 2018.

“M. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12-37-2850 by July 1, 2018.”

Effect of Amendment

2017 Act No. 40, Section 8.C, rewrote (5), relating to large commercial motor vehicles.

**SECTION 56-3-130.** Exemption of certain boat, farm, and other utility trailers.

Boat trailers under twenty-five hundred pounds, farm trailers and other utility trailers which are privately owned and not for hire need not be licensed or registered.

HISTORY: 1962 Code Section 46-35.4; 1952 Code Section 46-35; 1949 (46) 342; 1959 (51) 391; 1973 (58) 379.

**SECTION 56-3-140.** Exemption of certain professional racing cars.

Professional racing cars not operated under their own power but towed by another vehicle going to or from a race track need not be registered or licensed.

HISTORY: 1962 Code Section 46-35.5; 1962 (52) 1738.

**SECTION 56-3-150.** Exemption of certain foreign vehicles of nonresident owners; verification process; penalties.

(A) A foreign privately owned and operated passenger vehicle of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed pursuant to this chapter, subject to the conditions that at all times when operated in this State the vehicle:

(1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and

(2) has displayed on it a valid registration card and registration or license plate or plates.

(B) The vehicle of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident's:

(1) subsequent establishment of domicile in this State; or

(2) operation of the vehicle in this State for an accumulated period exceeding one hundred fifty days.

(C) After receipt of a written inquiry from the auditor of any county in which public records show that a person owns or leases real or personal property in that county, the person who is the owner or operator of a nonregistered vehicle must respond within thirty days with a sworn written statement that:

(1) describes each vehicle owned or operated by him;

(2) details the registration location for each vehicle owned or operated by him;

(3) gives the date each vehicle was first owned or operated by him; and

(4) affirms that he has not established domicile in the county.

(D) The written inquiry by the auditor must be delivered in person or sent by certified letter, return receipt requested, to the nonresident's last known address. Before the auditor may send the written inquiry, the auditor must have received a credible report that a person may own or operate a nonregistered vehicle and that the person also may own or lease real or personal property in the county. The determination regarding whether the report is credible is within the discretion of the auditor.

(E)(1) The penalty for violation of this section is as provided for in Section 12-37-2615, in addition to any other penalties prescribed by law for failure timely to register a vehicle pursuant to this section.

(2) A person who wilfully fails to respond to an inquiry from the county auditor and is subsequently shown to have a nonregistered vehicle, who files a false sworn statement, or who otherwise wilfully violates this section, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, and must pay twice the amount all personal property taxes properly due and payable on the vehicle, and other vehicles owned now or earlier, if the vehicle had been registered lawfully pursuant to this section, plus penalties and interest.

(F) For purposes of this section, “nonregistered vehicle” means a vehicle that is not registered in South Carolina.

HISTORY: 1962 Code Section 46-101; 1952 Code Section 46-101; 1949 (46) 342; 1995 Act No. 5, Section 1; 2002 Act No. 275, Section 1.

**SECTION 56-3-160.** Foreign vehicles of resident owners.

Every foreign vehicle moved into this State the owner of which is a resident of this State immediately becomes liable for registration and license under the provisions of this chapter, and for the purpose of this section, the term “resident of this State” shall include every person who moves temporarily or permanently into this State for the purpose of engaging in any business, profession or employment.

HISTORY: 1962 Code Section 46-102; 1952 Code Section 46-102; 1949 (46) 342.

**SECTION 56-3-170.** Reciprocity with respect to the operation of vehicles licensed out of state.

Notwithstanding any provisions of this chapter, the Department of Motor Vehicles may grant to any other state, country, territory or district reciprocity with respect to the operation of any vehicles in this State without being registered and licensed under the provisions of this chapter if such other state, country, territory or district extends under its laws, rules and regulations like privileges to vehicles registered and licensed in this State, subject to the conditions that every such vehicle is at all times, when operated in this State, duly registered or licensed in such state, territory, district or country in accordance with the lawful requirements of such state, country, territory or district and that there is displayed thereon a valid registration card and registration or license plate or plates.

HISTORY: 1962 Code Section 46-103; 1952 Code Section 46-103; 1949 (46) 342; 1959 (51) 391.

**SECTION 56-3-180.** Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.

The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards. A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated.

HISTORY: 1962 Code Section 46-13; 1952 Code Section 46-13; 1949 (46) 342; 2012 Act No. 107, Section 1, eff February 1, 2012.

**SECTION 56-3-190.** Department may register and license vehicles.

The Department of Motor Vehicles may register and license vehicles as required by this chapter upon application being made therefor by the owner and the required fees paid as provided in this chapter.

HISTORY: 1962 Code Section 46-14; 1952 Code Section 46-14; 1949 (46) 342.

**SECTION 56-3-195.** Counties to process vehicle registration and licensing renewals; access to records; department to fund startup costs.

(A) Beginning on July 1, 1994, each county shall mail motor vehicle registration and licensing renewal notices to the owners of vehicles in the county as determined by the Department of Motor Vehicles no later than forty-five days before expiration of the registration. The renewal notices, including the fees upon completion, may be returned to that county which shall transmit the renewal notices to the department for processing and which shall transmit the fees to the appropriate state fund as provided by law within seven days of receipt.

(B) Each county shall have access to the motor vehicle registration and licensing records of the department as applicable to the county in the manner the county and department agree for the purpose of the county performing the functions required in subsection (A).

(C) Counties must not be charged online access network fees for driver and vehicle information.

(D) The department will fund the start-up costs for counties not to exceed a total of one million dollars inclusive to all counties. The start-up cost includes hardware, software, training, and other associated costs all of which must be approved by the department.

HISTORY: 1993 Act No. 164, Part II, Section 22A.

**SECTION 56-3-200.** Certificate of title or application as prerequisite to registration. Section effective until November 19, 2018. See, also, section 56-3-200 effective November 19, 2018.

Except as otherwise provided for in Chapter 19 of this Title, the Department of Motor Vehicles shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the Department to the owner or an application therefor has been delivered by the owner to the Department.

HISTORY: 1962 Code Section 46-14.1; 1957 (50) 595.

**SECTION 56-3-200.** Certificate of title or application as prerequisite to registration. Section effective November 19, 2018. See, also, section 56-3-200 effective until November 19, 2018.

Except in the case of a moped or as otherwise provided for in Chapter 19 of this title, the department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application has been delivered by the owner to the department.

HISTORY: 1962 Code Section 46-14.1; 1957 (50) 595; 2017 Act No. 89 (H.3247), Section 13, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 13, substituted “Except in the case of a moped” for “Except” and “department” for “Department of Motor Vehicles”, and made nonsubstantive changes.

**SECTION 56-3-210.** Time period for procuring registration and license; temporary license plates; transfer of license plates.

(A) A person who newly acquires a vehicle or an owner of a foreign vehicle being moved into this State and required to be registered under this chapter, before operating the vehicle on the state's highways during the forty-five day period contained in this section must:

(1) transfer a license plate from another vehicle pursuant to subsection (D) of this section and Section 56-3-1290;

(2) purchase a new license plate and registration;

(3) purchase a temporary license plate from the Department of Motor Vehicles pursuant to subsection (B) of this section;

(4) purchase a temporary license plate from the county auditor's office in the county in which the person resides pursuant to subsection (B) of this section;

(5) obtain a temporary license plate from a dealer of new or used vehicles pursuant to subsection (C) of this section; or

(6) obtain a temporary license plate from the casual seller of the vehicle pursuant to subsection (B) of this section.

(B) The Department of Motor Vehicles or the county auditor's office must, upon proper application, issue a temporary license plate designed by the Department of Motor Vehicles to a casual seller or buyer of a vehicle pursuant to subsection (A) of this section. The county auditor's office may obtain temporary license plates from the Department of Motor Vehicles. If the applicant is a casual buyer of a vehicle, the Department of Motor Vehicles or the county auditor's office must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require. If the applicant is the casual seller of a vehicle, at the time of the sale, he must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require. The expiration date may not extend beyond forty-five days from the vehicle's date of purchase. Neither the casual seller nor the casual buyer may place the temporary license plate on the vehicle until the sale has been completed. The bill of sale, title, rental contract, or a copy of either document must be maintained in the vehicle at all times to verify the vehicle's date of purchase to a law enforcement officer. The bill of sale, title, rental contract, or a copy of either document must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale. A casual seller who issues a temporary license plate or allows a temporary license plate to be issued in violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence. The Department of Motor Vehicles may charge a five dollar fee for the temporary license plate which the Comptroller General must place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The county auditor's office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor's office associated with the production and issuance of the temporary license plates.

(C) A dealer of new or used vehicles may issue to the purchaser of a vehicle at the time of its sale a temporary license plate. The plate must contain the dealer's name, city, and phone number, or the dealer's name and computer website address. The plate also must contain a rectangular box, with a white background, on the bottom of the plate, in dimensions not less than six inches wide and two inches high. The rectangular box must contain, in characters not less than one quarter inch wide and one and one half inches high, the expiration date of the period within which the purchaser must register the vehicle pursuant to subsection (E) of this section. The expiration date must be clearly legible from a distance of at least twenty-five feet, written using a

permanent black marker with at least a one quarter inch wide tip, and must contain a numerical month, day, and year. The expiration date may not extend beyond forty-five days from the date of purchase. The temporary license plate must be made of heavy stock paper or plastic, and designed to resist deterioration or fading from exposure to the elements during the period for which display is required. The bill of sale, title, rental contract, or a copy of either document must be maintained in the vehicle at all times to verify the vehicle's date of purchase to a law enforcement officer. The bill of sale, title, rental contract, or a copy of either document must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale. Except as provided for in this section, a dealer may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. A dealer may not place a temporary license plate on a vehicle, regardless of whether the expiration date has been written on the plate, until the vehicle is sold to a purchaser. A person who issues or uses a temporary license plate or allows a temporary license plate to be issued or used in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence.

(D) If a person intends to transfer a license plate from one vehicle to another vehicle, he may place the license plate to be transferred on the newly acquired vehicle on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained in the newly acquired vehicle at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the vehicle with the Department of Motor Vehicles within forty-five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

(E) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as required by Section 56-3-110 within forty-five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.

(F) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

(G) Only one temporary license plate shall be issued to a purchaser of a vehicle for the vehicle he has purchased before it is registered permanently.

**HISTORY:** 1962 Code Section 46-15; 1952 Code Section 46-15; 1949 (46) 342; 1951 (47) 527; 1984 Act No. 371, Section 1; 1985 Act No. 40, Section 3; 1994 Act No. 497, Part II, Section 121H; 2002 Act No. 251, Section 1, subsections (A), (B), (C); 2004 Act No. 288, Section 1; 2016 Act No. 275 (S.1258), Section 28, eff July 1, 2016.

**SECTION 56-3-215.** Temporary permits authorized for out-of-state registered farm trucks harvesting and transporting seasonal crops in State.

The Department of Motor Vehicles shall be authorized to issue special permits to owners of farm trucks registered and licensed in another state which special permits shall authorize the operation of such trucks in this State for a period of forty-five days without the requirement that such trucks be registered and licensed in this State.

Trucks eligible for these special permits shall be those which are brought into this State on a short-term temporary basis for the sole purpose of harvesting and transporting seasonal crops to other locations both within and without South Carolina. The Department in its sole discretion shall determine what farm trucks qualify for these special permits and may require such proof as it deems necessary of the usage of trucks to which special permits shall apply.

The Department shall prescribe the form of such permit (including the permit application) and shall be displayed or kept in the truck at all times during the exemption period. The Department shall not issue a special permit to any owner unless he first furnishes evidence of motor vehicle liability insurance in at least the minimum amounts required by law in South Carolina. The fee for each permit shall be one-tenth of the annual fee required for trucks of the same weight. Only one permit for a particular truck shall be issued in any one calendar year.

The Department shall promulgate such regulations as may be necessary to implement the provisions of this section.

HISTORY: 1981 Act No. 177 Section 14.

**SECTION 56-3-230.** Application for registration and license.

Every owner of a vehicle subject to registration and for which a license is required shall make application to the Department of Motor Vehicles for the registration and licensing of the vehicle upon the appropriate forms furnished by the department. Every application must bear the signature of the owner.

HISTORY: 1962 Code Section 46-16; 1952 Code Section 46-16; 1949 (46) 342; 1994 Act No. 497, Part II, Section 121I.

**SECTION 56-3-240.** Contents of application.

Every such application shall contain:

(1) The name, bona fide residence and mail address of the owner or business address of the owner if a firm, association or corporation and the county, municipality, if applicable, and school district in which the applicant resides;

(2) A description of the vehicle including insofar as such data may exist with respect to a given vehicle, the make, model, type of body, number of cylinders, serial number and engine or other number of the vehicle, whether the vehicle is new or used and the date of sale by the manufacturer or dealer to the person intending to operate such a vehicle and, in the event a vehicle is designed, constructed, converted or rebuilt for the transportation of property, a statement of the load capacity for which it is to be registered;

(3) Such further information as may reasonably be required by the Department of Motor Vehicles to enable it to determine whether the vehicle is lawfully entitled to registration and licensing;

(4) In addition to the information required by item (2), whenever the application is for a motor vehicle which has been transferred from a previous registrant to the applicant, the applicant will complete the odometer disclosure statement on the application which shall be in compliance with federal guidelines and as prescribed by the department.

(5) In addition to other registration requirements the department shall collect a federal employer identification number or social security number when a vehicle is registered with a gross vehicle weight of more than twenty-six thousand pounds or as a bus common carrier.

Additionally, for a commercial motor vehicle with a gross weight of more than twenty-six thousand pounds that operates with an apportioned license plate, the department must be provided:

- (a) the United States Department of Transportation Number of the registrant and motor carrier; and
- (b) a completed MCS-150 form from the registrant.

HISTORY: 1962 Code Section 46-17; 1952 Code Section 46-17; 1949 (46) 342; 1979 Act No. 153 Section 1; 1980 Act No. 385, Section 2; 1996 Act No. 459, Section 130; 2000 Act No. 399, Section 3(V); 2002 Act No. 301, Section 1.

**SECTION 56-3-250.** Statement certifying payment of county and municipal taxes and address to accompany application; exceptions.

Section effective until November 19, 2018. See, also, section 56-3-250 effective November 19, 2018.

No vehicle shall be registered and licensed by the Department of Motor Vehicles unless a signed statement accompanies the application certifying that all county and municipal taxes legally due by the applicant on the vehicle concerned have been paid and if such vehicle is legally subject to being returned by the applicant for county and municipal taxes such return has been made; that the applicant is not delinquent in the payment of any motor vehicle taxes in this State, and that the address and county shown on the application for license is the true legal residence of the applicant. A transfer between members of the same family shall not, for the purpose of this section, be considered a bona fide purchase. Any person falsely certifying as required in this section shall have his driver's license suspended for a period of six months.

The provisions of this section shall not apply to any citizen of this State on active duty with the Armed Forces of the United States when the vehicle to be registered and licensed is operated for more than six months each year outside the boundaries of this State, nor to any motor vehicle subject to assessment for ad valorem tax purposes by the State Tax Commission.

HISTORY: 1962 Code Section 46-17.1; 1956 (49) 1697; 1961 (52) 160; 1962 (52) 1966; 1993 Act No. 181, Section 1360.

**SECTION 56-3-250.** Statement certifying payment of county and municipal taxes and address to accompany application; exceptions.

Section effective November 19, 2018. See, also, section 56-3-250 effective until November 19, 2018.

No vehicle shall be registered and licensed by the department unless a signed statement accompanies the application certifying that all county and municipal taxes legally due by the applicant on the vehicle concerned have been paid and if such vehicle is legally subject to being returned by the applicant for county and municipal taxes such return has been made; that the applicant is not delinquent in the payment of any motor vehicle taxes in this State, and that the address and county shown on the application for license is the true legal residence of the applicant. A transfer between members of the same family shall not, for the purpose of this section, be considered a bona fide purchase. Any person falsely certifying as required in this section shall have his driver's license suspended for a period of six months.

The provisions of this section shall not apply to mopeds or to any citizen of this State on active duty with the Armed Forces of the United States when the vehicle to be registered and licensed is operated for more than six months each year outside the boundaries of this State, nor to any motor vehicle subject to assessment for ad valorem tax purposes by the Department of Revenue.

HISTORY: 1962 Code Section 46-17.1; 1956 (49) 1697; 1961 (52) 160; 1962 (52) 1966; 1993 Act No. 181, Section 1360; 2017 Act No. 89 (H.3247), Section 14, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 14, in the first paragraph, substituted “department” for “Department of Motor Vehicles”; and in the second paragraph, inserted “mopeds or to”, and substituted “Department of Revenue” for “State Tax Commission”.

**SECTION 56-3-253.** Establishment of biennial registration periods.

(A) Vehicles required by Chapter 3 of Title 56 to be registered biennially must be assigned registration periods as provided in this section.

(1) Upon the first reregistration of the vehicles by the Department of Motor Vehicles after the effective date of the implementation of biennial licensure, a biennial registration period must be implemented as follows:

(a) Vehicles whose license plates end in:

(i) an even number and expire between July 1, 1993, and December 31, 1993, shall obtain a biennial registration;

(ii) an even number and expire between January 1, 1994, and June 30, 1994, shall reregister their vehicles for one year. At the end of this time they shall reregister their vehicles for two years and biennially after that time;

(iii) an odd number and expire between July 1, 1993, and December 31, 1993, shall register their vehicles for one year. At the end of that time they shall reregister their vehicles for two years and biennially after that time;

(iv) an odd number and expire between January 1, 1994, and June 30, 1994, shall obtain a biennial registration;

(v) all special license plates must obtain a biennial registration upon renewal, except that official plates such as Legislative, Judicial, Commission, and Congressional must be renewed annually for one-half the biennial fee.

(2) Registrations are valid until the last day of the month in which the registration expires.

(B) After June 30, 1994, vehicles must be registered and licensed for twenty-four consecutive months, and registrations expire the last day of the month. The registration and license must be renewed biennially upon application by the owner and payment of fees required by law to take effect on the first day of the month following the expiration of the registration and license to be renewed. This section does not prevent the department from refusing to license a vehicle.

(C) The department shall not issue a refund of the biennial registration fee to a person who has paid the fee and moves out of the State during the biennial registration period.

HISTORY: 1993 Act No. 164, Part II, Section 22A; 1998 Act No. 419, Part II, Section 21.

**SECTION 56-3-255.** Requirement of evidence of payment of federal use tax.

The Department of Motor Vehicles shall require evidence of the payment of the use tax imposed by Section 4481 of the Internal Revenue Code of 1954 prior to issuing vehicle registration and plates for those vehicles for which the taxes are required.

HISTORY: 1984 Act No. 512, Part II, Section 75; 1993 Act No. 181, Section 1361.

**SECTION 56-3-350.** Grounds for refusing to register and license or transfer registration of vehicle.

The Department of Motor Vehicles shall refuse to register and license or transfer registration upon one or more of the following grounds:

(1) The application contains a false or fraudulent statement or the applicant has not furnished required information or reasonable additional information requested by the department.

(2) The vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(3) The department has reasonable ground to believe the vehicle is stolen or the registration and licensing or transfer is a fraud against the rightful owner of the vehicle.

(4) The registration and license of the vehicle is canceled, suspended, or revoked as provided in this chapter or other motor vehicle laws of this State.

(5) The required fee has not been paid.

(6) For a vehicle purchased outside this State, satisfactory evidence of payment of the South Carolina use tax has not been presented.

HISTORY: 1962 Code Section 46-18; 1952 Code Section 46-18; 1949 (46) 342; 1969 (56) 444; 1993 Act No. 164, Part II, Section 22B.

**SECTION 56-3-355.** Suspension or revocation of commercial vehicle registration card and license plate; reinstatement; fees.

The Department of Motor Vehicles must suspend, revoke, or not issue a registration card and license plate to a person for a commercial motor vehicle greater than twenty-six thousand pounds which operates with an apportioned license plate if the commercial motor carrier who is responsible for the safety of the vehicle has been prohibited from operating by a federal agency. The registrant must promptly surrender to the department any item suspended or revoked under this section. If the registrant unlawfully refuses to surrender the suspended or revoked items as required under this section, the department, through its designated agents or by request to a county or municipal law enforcement agency, shall take possession of the suspended or revoked license plate and registration card. A registration card or license plate may not be reissued for that vehicle until the motor carrier has been allowed to operate by a federal agency or the vehicle is properly transferred to a motor carrier that is not prohibited from operating by a federal agency. Before a suspended vehicle registration card can be reinstated, a fee of fifty dollars for each registration card suspension must be paid to the department. The fifty dollar fee must be placed in the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 by the Comptroller General.

HISTORY: 2002 Act No. 301, Section 2; 2016 Act No. 275 (S.1258), Section 29, eff July 1, 2016.

**SECTION 56-3-360.** Suspension of registration of vehicle reported stolen or converted.

The Department of Motor Vehicles may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to Section 56-19-810 or Section 56-19-820.

HISTORY: 1962 Code Section 46-18.1; 1957 (50) 595; 1993 Act No. 181, Section 1362; 1996 Act No. 459, Section 131.

**SECTION 56-3-376.** Establishment of system of registration of motor vehicles on monthly basis; assignment of annual registration periods.

Section effective until January 1, 2019. See, also, section 56-3-376 effective January 1, 2019.

All vehicles except those vehicles designated in Section 56-3-780 are designated as distinct classifications and must be assigned an annual registration period as follows:

Classification (1). Vehicles for which the biennial registration fee is one-hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one-hundred sixty dollars or more or for a semiannual or one-half year upon application to the department by the owner and the payment of one-fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty-fourth month for the period for which they were issued. Semiannual or half-year registrations and licenses expire at midnight of the sixth month for the period for which they were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded weight of over five thousand pounds or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.

Classification (2). Other vehicles. All other vehicles except those vehicles described in classification (1) of this section are assigned a staggered biennial registration which expires on the last day of the month for the period for which they were issued.

Notwithstanding the registration periods provided in this section, upon appropriate notice, the department may revise the established renewal dates to allow renewals to be assigned an expiration date pursuant to a staggered monthly basis.

HISTORY: 1978 Act No. 470 Section 2; 1980 Act No. 401; 1991 Act No. 148, Section 2; 1993 Act No. 164, Part II, Section 22C; 1994 Act No. 497, Part II, Section 55E; 1996 Act No. 459, Section 132.

**SECTION 56-3-376.** Establishment of system of registration of motor vehicles on monthly basis; assignment of annual registration periods.

Section effective January 1, 2019. See, also, section 56-3-376 effective until January 1, 2019.

(A) All vehicles except those vehicles designated in Section 56-3-780 are designated as distinct classifications and must be assigned an annual registration period as follows:

(1) Classification (1). Vehicles for which the biennial registration fee is one-hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one-hundred sixty dollars or more or for a semiannual or one-half year upon application to the department by the owner and the payment of one-fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty-fourth month for the period for which they were issued. Semiannual or half-year registrations and licenses expire at midnight of the sixth month for the period for which they

were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded weight of over five thousand pounds or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.

(2) Classification (2). Other vehicles. All other vehicles except those vehicles described in classification (1) and (3) of this section are assigned a staggered biennial registration which expires on the last day of the month for the period for which they were issued.

(3) Classification (3). Large commercial motor vehicles and buses registered by motor carriers, as defined in Section 12-37-2810, are assigned a staggered annual registration which expires on the last day of the month for the period for which they were issued.

(B) Notwithstanding the registration periods provided in this section, upon appropriate notice, the department may revise the established renewal dates to allow renewals to be assigned an expiration date pursuant to a staggered monthly basis.

HISTORY: 1978 Act No. 470 Section 2; 1980 Act No. 401; 1991 Act No. 148, Section 2; 1993 Act No. 164, Part II, Section 22C; 1994 Act No. 497, Part II, Section 55E; 1996 Act No. 459, Section 132; 2017 Act No. 40 (H.3516), Section 8.B, eff January 1, 2019.

Editor's Note

2017 Act No. 40, Sections 8.L, 8.M, provide as follows:

“L. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12-37-2820 and 12-37-2850 at the time the vehicle's registration fees are paid.

“(2) Notwithstanding the provisions in Section 12-37-2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019, the first four hundred thousand dollars of fee revenue collected pursuant to Section 12-37-2865 must be retained by the Department of Motor Vehicles to defray programming costs.

“(3) The initial millage required by Section 12-37-2850 must be calculated on or before June 1, 2018.

“M. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12-37-2850 by July 1, 2018.”

Effect of Amendment

2017 Act No. 40, Section 8.B, inserted the paragraph identifiers; in (A)(2), inserted “and (3)”; and added (A)(3), relating to the classification of large commercial motor vehicles and buses.

**SECTION 56-3-377.** Vehicles to be assigned biennial registration period; expiration twenty-four months from issuance.

All vehicles described in Section 56-3-210 must be assigned a biennial registration period which expires twenty-four months from the month in which the registration first was issued.

HISTORY: 1978 Act No. 470 Section 2; 1993 Act No. 164, Part II, Section 22D.

**SECTION 56-3-378.** Establishment of system of registration of motor vehicles on monthly basis; issuance of registration and license plate for period of five years.

The Department of Motor Vehicles may issue at the request of the owner of a vehicle as defined in Section 56-3-700 of the 1976 Code a registration and license plate for a registration period of five years if the required five-year registration and license fee is paid to the department. The transfer of registration and license plates for vehicles in this classification shall be as provided in Sections 56-3-1260, 56-3-1270, 56-3-1280, 56-3-1290 and 56-3-1300. The department shall require the vehicle owner to remit any additional registration fee if an increase in the registration fee is subsequently enacted. The failure of an owner to pay such fee shall result in the cancellation of the registration and license plate.

HISTORY: 1978 Act No. 470 Section 2.

**SECTION 56-3-385.** Extension of deadline where last day for obtaining license plate or renewal sticker falls on Saturday, Sunday, or holiday.

When the last day of a month on which a person may obtain his biennial motor vehicle license plate or renewal sticker without penalty falls on a Saturday, Sunday, or state holiday, the person has until the end of the next working day immediately following that Saturday, Sunday, or state holiday to obtain his license plate or renewal sticker without penalty.

HISTORY: 1985 Act No. 201, Part II, Section 24; 1993 Act No. 164, Part II, Section 22E.

**SECTION 56-3-390.** Penalties for fraudulent applications and misrepresentation of facts.

Any person who (a) fraudulently uses or gives a false or fictitious name or address in any application required to be made under this chapter except for registration, (b) knowingly makes a false statement in any such application or (c) knowingly conceals a material fact in any such application shall be guilty of a misdemeanor and shall upon conviction be punished as herein provided. Any person who shall operate or any owner who shall permit the operation or movement of any vehicle registered and licensed under a violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as herein provided.

HISTORY: 1962 Code Section 46-21; 1952 Code Section 46-21; 1949 (46) 342; 1957 (50) 595.

**SECTION 56-3-400.** Reciprocity in registration and licensing of automobile utility trailers; "automobile utility trailer" defined.

The term "automobile utility trailer" when used in Sections 56-3-400 to 56-3-420 shall mean and include any trailers suitable for towing by a private passenger automobile, the use of which is confined to the private hauling of personal property for intrastate or interstate use, or combined intrastate and interstate use. The term "automobile utility trailer" shall not include trailers or semitrailers rented or leased to any person for use by such lessee in the furtherance of or as an incident to any commercial or industrial enterprise in interstate commerce or for the use in connection with any business or occupation carried on in interstate commerce by the lessee.

HISTORY: 1962 Code Section 46-97; 1957 (50) 551.

**SECTION 56-3-410.** Reciprocity in registration and licensing of automobile utility trailers; procedures; extension of registration.

For the purpose of interstate and combined interstate and intrastate reciprocity provisions of Sections 56-3-400 to 56-3-420, automobile utility trailers shall be extended full reciprocity, provided that every person who owns automobile utility trailers within this State and who is engaged in the business of leasing such trailers for use in interstate, intrastate or combined interstate and intrastate commerce (a) registers and licenses all automobile utility trailers owned by him in the state wherein the owner actually resides and such state affords equal recognition, either in fact or in law, to such trailers licensed in this State or (b) registers and licenses in this State the average number of automobile utility trailers operated in and through this State during the licensing year. In such instances, the person shall register with the Department of Motor Vehicles the fact that he is engaged in such business and shall file data in such form and verified in such manner as shall be required by the Department, estimating the average number of automobile utility trailers he leases for operation in and through the State during the licensing year. The Department shall then determine the average number of such trailers operated in and through this State during the licensing year and such determination shall be final. Upon payment of the fee required by Section 56-3-130, the Department shall, subject to the provisions of Section 56-3-420, issue registration certificates and license plates for the average number of such automobile utility trailers as above determined and that number of trailers shall display the license plates. Thereafter, all trailers properly identified and licensed in any state, territory, province, country or the District of Columbia and belonging to such person shall be permitted to operate in this State on an interstate, intrastate or combined interstate and intrastate basis; provided, that such trailers are towed by private passenger cars duly registered and licensed in this State or in another state and legally operated in this State under the reciprocity laws of this State.

HISTORY: 1962 Code Section 46-98; 1957 (50) 551.

**SECTION 56-3-430.** Cities between 55,000 and 70,000 shall not require local licenses or charge inspection or registration fees.

It shall be unlawful for any city of this State having a population of fifty-five thousand or more but less than seventy thousand directly or indirectly to require any license, registration plate or other identification tag of or for motor-driven vehicles other than required by the laws of the State relating to motor vehicles or to charge or accept any fee or compensation for the inspection or registration of any motor-driven vehicle.

HISTORY: 1962 Code Section 46-131; 1952 Code Section 46-131; 1942 Code Section 5895; 1932 Code Section 5895; 1931 (37) 121.

**SECTION 56-3-440.** Cities of 70,000 or more may require local license.

Cities having a population of seventy thousand or more may require the annual registration with the city treasurer of all motor vehicles owned by residents of such cities and may issue annually a sticker, seal, card or a plate of metal or other material without fee or charge, as evidence of such registration, and require its attachment to, and its display upon, such vehicles. Such cities may also require as a condition precedent to such registration the payment of any city taxes then due and payable thereon and may provide by ordinance that the operation on the

streets of such cities of any such motor vehicle without the attachment and display thereon of such sticker, seal, card or plate shall be unlawful and impose a penalty for the violation of such ordinance not exceeding a fine of one hundred dollars or imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-132; 1952 Code Section 46-132; 1942 Code Section 5895; 1932 Code Section 5895; 1931 (37) 121; 1945 (44) 547; 1955 (49) 150.

#### ARTICLE 4 Release of Licensing and Registration Information

**SECTION 56-3-510. Forms.**

Department of Motor Vehicles records relating to the registration and licensing of motor vehicles must be released only as provided in this article. A person who requests registration and licensing information must submit the request on a form provided by the department. A completed form must:

- (1) contain the name and address of the person making the request, the date of the request, the reason for the request, and a statement certifying that the information requested will not be used for a purpose related to telephone marketing or telephone solicitation; and
- (2) be signed by the person making the request.

HISTORY: 1996 Act No. 458, Part II, Section 31A.

**SECTION 56-3-520. Retention of forms.**

(A) The Department of Motor Vehicles must retain a request made pursuant to Section 56-3-510 for five years from the date of its submission.

(B) Upon a person's written request, the department must release a copy of all request forms relating to the person's records.

HISTORY: 1996 Act No. 458, Part II, Section 31A.

**SECTION 56-3-530. Fees.**

The Department of Motor Vehicles may charge a fee for releasing information pursuant to this article. The department must promulgate regulations:

- (1) providing a procedure whereby persons making repetitive requests may maintain an account with the department for the payment of fees incurred in the production of requested records;
- (2) providing a procedure for electronic processing of requests; and
- (3) providing for appropriate security measures to ensure that records are released only to the person identified as making the request.

HISTORY: 1996 Act No. 458, Part II, Section 31A.

**SECTION 56-3-540. Use of records; opt-out from surveys, marketing, and solicitations.**

The Department of Motor Vehicles shall implement methods and procedures to ensure that:

(1) individuals are provided an opportunity, in a clear and conspicuous manner, to opt-out and prohibit the use of motor vehicle record information about them for distribution for surveys, marketing, and solicitations; and

(2) surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.

HISTORY: 1996 Act No. 458, Part II, Section 31A.

**SECTION 56-3-545.** Sale of Social Security number or driver's license photograph or signature prohibited.

The Department of Motor Vehicles may not sell, provide, or otherwise furnish to a private party Social Security numbers, copies of photographs, or signatures, whether digitized or not, taken for the purpose of a driver's license or personal identification card. A Social Security number, photograph, signature, or digitized image from a driver's license or personal identification card is not a public record.

HISTORY: 1999 Act No. 100, Part II, Section 54.

## ARTICLE 5 Registration and License Fees

**SECTION 56-3-610.** Biennial payment of registration and license fees required.

Section effective until January 1, 2019. See, also, section 56-3-610 effective January 1, 2019.

The owner of every motor vehicle, trailer, semitrailer, pole trailer, and special mobile equipment vehicle required to be registered and licensed under this chapter shall pay to the Department of Motor Vehicles at the time of registering and licensing the vehicle and biennially after that time registration and license fees as set forth in this article.

HISTORY: 1962 Code Section 46-31; 1952 Code Section 46-31; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22G.

**SECTION 56-3-610.** Biennial payment of registration and license fees required.

Section effective January 1, 2019. See, also, section 56-3-610 effective until January 1, 2019.

(A) Except as provided in subsection (B), the owner of every motor vehicle, trailer, semitrailer, pole trailer, and special mobile equipment vehicle required to be registered and licensed under this chapter shall pay to the Department of Motor Vehicles at the time of registering and licensing the vehicle and biennially after that time registration and license fees as set forth in this article.

(B) A large commercial motor vehicle or bus on which is imposed the road use fee provided pursuant to Article 23, Chapter 37, Title 12 is required to be registered and licensed annually pursuant to this chapter and the scheduled fees adjusted as provided pursuant to Section 56-3-660(E).

HISTORY: 1962 Code Section 46-31; 1952 Code Section 46-31; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22G; 2017 Act No. 40 (H.3516), Section 8.D, eff January 1, 2019.

Editor's Note

2017 Act No. 40, Sections 8.L, 8.M, provide as follows:

“L. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12-37-2820 and 12-37-2850 at the time the vehicle’s registration fees are paid.

“(2) Notwithstanding the provisions in Section 12-37-2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019, the first four hundred thousand dollars of fee revenue collected pursuant to Section 12-37-2865 must be retained by the Department of Motor Vehicles to defray programming costs.

“(3) The initial millage required by Section 12-37-2850 must be calculated on or before June 1, 2018.

“M. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12-37-2850 by July 1, 2018.”

Effect of Amendment

2017 Act No. 40, Section 8.D, inserted the paragraph identifiers; in (A), substituted “Except as provided in subsection (B), the” for “The”; and added (B), relating to large commercial motor vehicles required to be registered.

**SECTION 56-3-620.** Fees for handicapped persons or persons of certain ages for private passenger motor vehicle and property-carrying vehicles weighing six thousand pounds or less.

(A) For persons sixty-five years of age or older or persons who are handicapped, as defined in Section 56-3-1950, the biennial registration fee for every private passenger motor vehicle, excluding trucks, is thirty-six dollars.

(B) For persons under the age of sixty-five years the biennial registration fee for every private passenger motor vehicle, excluding trucks, is forty dollars.

(C) For persons sixty-five years of age or older, the biennial registration fee for a property-carrying vehicle with a gross weight of six thousand pounds or less is forty-six dollars.

(D) For persons who are sixty-four years of age, the biennial registration fee for a private passenger motor vehicle, excluding trucks, is thirty-eight dollars.

(E) Applicable truck fees, established by Section 56-3-660, are not negated by this section.

(F) Annual license plate validation stickers which are issued for nonpermanent license plates on certified South Carolina public law enforcement vehicles must be issued without charge.

(G) From each biennial registration and license fee collected, sixteen dollars must be credited to the Infrastructure Maintenance Trust Fund.

HISTORY: 1962 Code Section 46-32; 1952 Code Section 46-32; 1949 (46) 342; 1980 Act No. 506, Section 12; 1986 Act No. 540, Part II, Section 42A; 1987 Act No. 197 Section 3; 1987 Act No. 203 Section 2; 1993 Act No. 164, Part II, Section 22H; 1994 Act No. 417, Section 4; 1996 Act No. 459, Section 133; 1999 Act No. 63, Section 5; 2008 Act No. 353, Section 2, Pt 13C, eff July 1, 2009; 2017 Act No. 40 (H.3516), Section 4.A, eff January 1, 2018.

Effect of Amendment

2017 Act No. 40, Section 4.A, in (A), substituted “thirty-six dollars” for “twenty dollars”; in (B), substituted “For” for “Beginning July 1, 1987, for” and “forty dollars” for “twenty-four dollars”; in (C), substituted “forty-six dollars” for “thirty dollars”; in (D), substituted “thirty-eight dollars”

for “twenty-two dollars”; and added (G), relating to credits to the Infrastructure Maintenance Trust Fund.

**SECTION 56-3-625.** Expenditure of revenue derived from fee increases.

The amount of revenue derived from the fee increases established in Section 42, Part II, 1986 Act 540 which exceeds the revenue generated pursuant to Sections 56-3-620, 56-3-760, and 56-19-420 of the 1976 Code prior to July 1, 1986 shall be expended by the Department of Transportation to improve access routes to distressed and impacted areas of the State.

HISTORY: 1986 Act No. 540, Part II, Section 42D.

**SECTION 56-3-627.** Infrastructure maintenance fee.

(A) In order to account for the necessary road maintenance caused by each item traversing the roads of this State, in addition to the registration fees imposed by this chapter, the owner of each vehicle or other item that is required to be registered pursuant to this chapter must pay an infrastructure maintenance fee upon first registering the vehicle or other item. Also, the owner of each trailer or semitrailer must pay the fee upon first registering the trailer or semitrailer. The Department of Motor Vehicles may not issue a registration until the infrastructure maintenance fee has been collected. The infrastructure maintenance fee must be credited to the Infrastructure Maintenance Trust Fund.

(B) If upon purchasing or leasing the item from a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the gross proceeds of sales, or sales price, as those terms are defined in Chapter 36, Title 12. If the dealer holds a South Carolina retail license or offers to license and register the item, then the dealer must collect the fee and remit it to the Department of Motor Vehicles.

(C)(1) If upon purchasing or leasing the item from a person other than a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the fair market value of the item.

(2) Excluded from the fee imposed pursuant to this subsection are:

- (a) items transferred:
  - (i) to members of the immediate family;
  - (ii) to a legal heir, legatee, or distributee;
  - (iii) from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;
  - (iv) to a licensed motor vehicle or motorcycle dealer for the purpose of resale;
  - (v) to a financial institution for the purpose of resale;
  - (vi) as a result of repossession to any other secured party, for the purpose of resale;
- (b) the fair market value of an item transferred to the seller or secured party in partial payment;
- (c) gross proceeds of transfers of items specifically exempted by Section 12-36-2120 from the sales or use tax;
- (d) items where a sales or use tax has been paid on the transaction necessitating the transfer.

(3) The Department of Motor Vehicles shall require every applicant for a certificate of title to supply information it considers necessary as to the time of purchase, the purchase price, and other information relative to the determination of fair market value. If the fee is based upon total

purchase price as defined in this subsection, the department shall require a submission of a bill of sale and the signature of the owner subject to the perjury statutes of this State.

(4) For purposes of this subsection:

(a) "Fair market value" means the total purchase price less any trade-in, or the valuation shown in a national publication of used values adopted by the department, less any trade-in.

(b) "Immediate family" means spouse, parents, children, sisters, brothers, grandparents, and grandchildren.

(c) "Total purchase price" means the price of an item agreed upon by the buyer and seller with an allowance for a trade-in, if applicable.

(D)(1) If upon purchasing or leasing the item, the owner first registers the item in another state, and subsequently registers the item in this State, then the fee equals two hundred fifty dollars.

(2) This subsection does not apply if the owner of the item is serving on active duty in the armed forces of the United States. The exclusion allowed by this item also extends to items owned by the spouse or dependent of a person serving on active duty in the armed forces of the United States.

(3) Notwithstanding any other provision of this section, until after December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Safety Maintenance Account established pursuant to Section 11-11-240. After December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Infrastructure Maintenance Trust Fund.

(E)(1)(a) The Department of Motor Vehicles shall transfer eighty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed two hundred forty dollars, to the Department of Transportation to be allocated to the state-funded resurfacing program. The Department of Transportation shall develop and implement a needs-based methodology to distribute revenue within the state-funded resurfacing program, which shall include consideration of pavement condition on a county-by-county basis, to ensure that each county in the State is guaranteed funding for resurfacing.

(b) The Department of Motor Vehicles shall transfer twenty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed sixty dollars, to the South Carolina Education Improvement Act of 1984 Fund.

(2) The Department of Transportation shall reduce the allocation to the state-funded resurfacing program required in item (1) in proportion to the amounts transferred to the South Carolina Transportation Infrastructure Bank pursuant to subsection (F) and in proportion to the amounts required by the Department of Transportation to fund repairs, maintenance, and improvements to the existing transportation system.

(F)(1) The Department of Transportation shall identify bridge and road projects to be financed utilizing nontax revenue transferred to the bank by the Department of Transportation in an amount equal to the financing requirements related to projects selected pursuant to this section, provided that:

(a) Fifty million dollars in revenue utilized by the bank shall be used to finance bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System.

(b) Funds in excess of fifty million dollars utilized by the bank shall be used to finance expansion and improvements to existing mainline interstates.

(2) Funds transferred to the bank pursuant to this section may not be used to finance projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be

financed pursuant to subsection (B) to the Joint Bond Review Committee as provided in Section 11-43-180, before approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the bank shall approve the projects to be financed. Upon approval, the bank shall provide the Department of Transportation with written notice that identifies each project selected, the amount of nontax revenue that must be transferred to the bank for financing each project, a schedule for the transfers, and any other information necessary to carrying out the financing of each project.

(4) Upon receipt of the notice provided in item (3), the Department of Transportation shall transfer nontax revenue to the bank in the amounts and upon the schedule provided in the notice. The department shall take any other action identified in the notice that is necessary for financing each project.

(5) Projects financed utilizing funds transferred pursuant to this subsection shall not require a local match.

(G) The Secretary of Transportation shall apply funds supplanted by the operation of this section to prioritized bridge and resurfacing needs.

(H) Notwithstanding any other provision of this section, any transaction exempt pursuant to Section 12-36-2120(25), is also exempt from the infrastructure maintenance fee.

HISTORY: 2017 Act No. 40 (H.3516), Section 5.A, eff July 1, 2017.

**SECTION 56-3-630.** Vehicles classified as passenger motor vehicles.

Section effective until November 19, 2018. See, also, section 56-3-630 effective November 19, 2018.

The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer persons and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less, except a motorcycle, motorcycle three-wheel vehicle, or motor-driven cycle. The department shall classify a three-wheel vehicle by the manufacturers statement of origin for the vehicles initial registration. For subsequent registration, the department shall classify the three-wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section 56-3-660.

HISTORY: 1962 Code Section 46-33; 1952 Code Section 46-33; 1949 (46) 342; 1959 (51) 391; 1996 Act No. 459, Section 134; 1999 Act No. 63, Section 6; 2000 Act No. 375, Section 5; 2001 Act No. 52, Section 1; 2006 Act No. 398, Section 1, eff September 7, 2006.

**SECTION 56-3-630.** Vehicles classified as passenger motor vehicles.

Section effective November 19, 2018. See, also, section 56-3-630 effective until November 19, 2018.

The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer persons and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less, except a motorcycle, motorcycle three-wheel vehicle, or moped. The department shall classify a three-wheel vehicle by the manufacturer's certificate of origin for the vehicles initial registration. For subsequent registration, the department shall

classify the three-wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section 56-3-660.

HISTORY: 1962 Code Section 46-33; 1952 Code Section 46-33; 1949 (46) 342; 1959 (51) 391; 1996 Act No. 459, Section 134; 1999 Act No. 63, Section 6; 2000 Act No. 375, Section 5; 2001 Act No. 52, Section 1; 2006 Act No. 398, Section 1, eff September 7, 2006; 2017 Act No. 89 (H.3247), Section 15, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 15, in the first sentence, substituted “moped” for “motor-driven cycle”, and in the second sentence, substituted “manufacturer’s certificate” for “manufacturers statement”.

**SECTION 56-3-640.** Fees for common carrier passenger vehicles; vehicles so classified; determining vehicle weight.

(A) For every common carrier passenger vehicle the biennial registration and license fee is according to weight:

- (1) not over 2000 pounds: \$18.00;
- (2) 2001 to 2500 pounds: \$24.00;
- (3) 2501 to 3000 pounds: \$30.00;
- (4) 3001 to 3500 pounds: \$36.00;
- (5) 3501 to 4000 pounds: \$42.00;
- (6) 4001 to 4500 pounds: \$48.00;
- (7) 4501 to 5000 pounds: \$54.00;
- (8) over 5000 pounds: \$54.00 plus \$6.00 for each 500 pounds’ weight or fraction over 5000 pounds.

(B) The Department of Motor Vehicles must include in this classification every motor vehicle, trailer, or semitrailer designed, used, or maintained for the transportation of persons for compensation as a regular business. This classification does not include a trackless trolley bus.

(C) The manufacturer’s rating on the weight of a vehicle must be accepted as the weight of the vehicle for the purpose of fixing the license fee under this section.

HISTORY: 1962 Code Section 46-34; 1952 Code Section 46-34; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22I.

**SECTION 56-3-645.** Road use fees for vehicles powered by electricity, hydrogen, and fuels other than motor fuel.

(A) In addition to the registration fees imposed by this chapter, the owner of motor vehicles that are powered:

- (1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section 12-28-110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of one hundred twenty dollars; and
- (2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of sixty dollars.

(B) All of the fees collected pursuant to this section must be credited to the Infrastructure Maintenance Trust Fund.

(C) The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is registered.

HISTORY: 2017 Act No. 40 (H.3516), Section 6.A, eff January 1, 2018.

**SECTION 56-3-650.** Optional fees for bus companies operating in interstate and intrastate commerce; computation; retention of records; display of license plates.

In order for inter-city bus companies operating fleets both in inter and intra state commerce in South Carolina to more efficiently dispatch individual buses in such fleets from one state to another, any such inter-city bus company operating a fleet of ten or more buses of thirty or more passenger capacity each may comply with the license requirements of this chapter by paying an in lieu license fee to the Department of Motor Vehicles. Such fee shall be an amount equivalent to an annual fee of two hundred dollars per bus, with the number of buses or fractions thereof determined by dividing the company's total bus travel mileage in this State in any one license year by forty thousand miles. Such an inter-city bus company shall declare at the beginning of each license year prior to May first respectively of each year the mileage its fleet operated in this State during the preceding calendar year, and shall pay to the department a total annual license fee for all such buses computed in accordance with this section. Any bus company licensed pursuant to this section must retain and hold, subject to audit by the department, for a period of at least four years all records used in computing the total mileage operated in the State during each calendar year. Bus companies electing to license under this provision shall not be required to display license plates as otherwise required by this chapter on the buses operated in South Carolina, but they shall have the option of displaying license plates on buses where such license plates are specifically identified with specific buses.

HISTORY: 1962 Code Section 46-34.1; 1966 (54) 2339; 1993 Act No. 181, Section 1363.

**SECTION 56-3-660.** Fees for self-propelled property carrying vehicles; determination of vehicle gross weight; registration of vehicle for payment of one-half of State's portion of license fee.

Text of (A) effective until January 1, 2019.

(A) The determination of gross vehicle weight to register and license self-propelled property carrying vehicles is the empty weight of the vehicle or combination of vehicles and the heaviest load to be transported by the vehicle or combination of vehicles as declared by the registered owner. All determinations of weight must be made in units of one thousand pounds or major fraction of one thousand pounds. The declared gross vehicle weight applies to all self-propelled property carrying vehicles operating in tandem with trailers or semitrailers except that the gross weight of a trailer or semitrailer is not required to be included when the operation is to be in tandem with a self-propelled property carrying vehicle licensed for six thousand pounds or less gross weight, and the gross vehicle weight of the combination does not exceed nine thousand pounds. The Department of Motor Vehicles may register and license a vehicle of this classification for which the biennial registration and license fee is one-hundred and sixty dollars or more for an annual or one-year period beginning on April first and ending on March thirty-first of the next year upon application to the department by the owner and the payment of one-half the specified biennial fee or for a semiannual or one-half year beginning on April first and ending on September thirtieth of the same year upon application to the department by the

owner and the payment of the appropriate fees. The registration and license fee for vehicles in this classification which are registered for the remaining twenty-four months or less of the twenty-four month biennial period or for the eleven months or less of the twelve-month year ending on March thirty-first or the remaining five months or less for the one-half period ending on September thirtieth is the proportionate part of the specified biennial fee for the remainder of the twenty-four month period or year or one-half year based on one twenty-fourth of the specified twenty-four-month fee for each month or part of a month remaining in the biennial registration period or license year or one-half year. No proportionate fee may be reduced lower than ten dollars. A person making application for a registration and license for a motor vehicle of this classification shall declare the true unloaded or empty weight of the vehicle.

Text of (A) effective January 1, 2019.

(A) The determination of gross vehicle weight to register and license self-propelled property carrying vehicles is the empty weight of the vehicle or combination of vehicles and the heaviest load to be transported by the vehicle or combination of vehicles as declared by the registered owner. All determinations of weight must be made in units of one thousand pounds or major fraction of one thousand pounds. The declared gross vehicle weight applies to all self-propelled property carrying vehicles operating in tandem with trailers or semitrailers except that the gross weight of a trailer or semitrailer is not required to be included when the operation is to be in tandem with a self-propelled property carrying vehicle licensed for six thousand pounds or less gross weight, and the gross vehicle weight of the combination does not exceed nine thousand pounds. The Department of Motor Vehicles may register and license a small commercial motor vehicle, as defined in Section 12-37-2810, for which the biennial registration and license fee is one-hundred and sixty dollars or more for an annual or one-year period beginning on April first and ending on March thirty-first of the next year upon application to the department by the owner and the payment of one-half the specified biennial fee or for a semiannual or one-half year beginning on April first and ending on September thirtieth of the same year upon application to the department by the owner and the payment of the appropriate fees. The registration and license fee for small commercial motor vehicles which are registered for the remaining twenty-four months or less of the twenty-four month biennial period or for the eleven months or less of the twelve-month year ending on March thirty-first or the remaining five months or less for the one-half period ending on September thirtieth is the proportionate part of the specified biennial fee for the remainder of the twenty-four month period or year or one-half year based on one twenty-fourth of the specified twenty-four-month fee for each month or part of a month remaining in the biennial registration period or license year or one-half year. A proportionate fee may not be reduced lower than ten dollars. A person making application for a registration and license for a motor vehicle of this classification shall declare the true unloaded or empty weight of the vehicle.

(B) The biennial fees for the gross vehicle weight are:

(1)	not over 4,000 pounds:	\$	30.00;	
(2)	4,001 to 5,000 pounds:	\$	40.00;	
(3)	5,001 to 6,000 pounds:	\$	60.00;	
(4)	6,001 to 7,000 pounds:	\$	70.00;	
(5)	7,001 to 8,000 pounds:	\$	80.00;	
(6)	8,001 to 9,000 pounds:	\$	90.00;	
(7)	9,001 to 10,000 pounds:	\$	100.00;	

(8)	10,001 to 11,000 pounds:	\$	110.00;	
(9)	11,001 to 12,000 pounds:	\$	120.00;	
(10)	12,001 to 13,000 pounds:	\$	130.00;	
(11)	13,001 to 14,000 pounds:	\$	140.00;	
(12)	14,001 to 15,000 pounds:	\$	150.00;	
(13)	15,001 to 16,000 pounds:	\$	184.00;	
(14)	16,001 to 17,000 pounds:	\$	195.50;	
(15)	17,001 to 18,000 pounds:	\$	207.00;	
(16)	18,001 to 19,000 pounds:	\$	218.50;	
(17)	19,001 to 20,000 pounds:	\$	260.00;	
(18)	20,001 to 21,000 pounds:	\$	273.00;	
(19)	21,001 to 22,000 pounds:	\$	308.00;	
(20)	22,001 to 23,000 pounds:	\$	322.00;	
(21)	23,001 to 24,000 pounds:	\$	360.00;	
(22)	24,001 to 25,000 pounds:	\$	375.00;	
(23)	25,001 to 26,000 pounds:	\$	392.00;	
(24)	26,001 to 27,000 pounds:	\$	408.00;	
(25)	27,001 to 28,000 pounds:	\$	424.00;	
(26)	28,001 to 29,000 pounds:	\$	438.00;	
(27)	29,001 to 30,000 pounds:	\$	452.00;	
(28)	30,001 to 31,000 pounds:	\$	468.00;	
(29)	31,001 to 32,000 pounds:	\$	482.00;	
(30)	32,001 to 33,000 pounds:	\$	498.00;	
(31)	33,001 to 34,000 pounds:	\$	514.00;	
(32)	34,001 to 35,000 pounds:	\$	528.00;	
(33)	35,001 to 36,000 pounds:	\$	544.00;	
(34)	36,001 to 37,000 pounds:	\$	558.00;	
(35)	37,001 to 38,000 pounds:	\$	572.00;	
(36)	38,001 to 39,000 pounds:	\$	588.00;	
(37)	39,001 to 40,000 pounds:	\$	604.00;	
(38)	40,001 to 41,000 pounds:	\$	616.00;	
(39)	41,001 to 42,000 pounds:	\$	634.00;	
(40)	42,001 to 43,000 pounds:	\$	650.00;	
(41)	43,001 to 44,000 pounds:	\$	664.00;	
(42)	44,001 to 45,000 pounds:	\$	680.00;	
(43)	45,001 to 46,000 pounds;	\$	694.00;	
(44)	46,001 to 47,000 pounds:	\$	708.00;	
(45)	47,001 to 48,000 pounds:	\$	724.00;	
(46)	48,001 to 49,000 pounds:	\$	740.00;	
(47)	49,001 to 50,000 pounds:	\$	754.00;	
(48)	50,001 to 51,000 pounds:	\$	770.00;	
(49)	51,001 to 52,000 pounds:	\$	784.00;	

(50)	52,001 to 53,000 pounds:	\$ 800.00;	
(51)	53,001 to 54,000 pounds:	\$ 814.00;	
(52)	54,001 to 55,000 pounds:	\$ 830.00;	
(53)	55,001 to 56,000 pounds:	\$ 844.00;	
(54)	56,001 to 57,000 pounds:	\$ 860.00;	
(55)	57,001 to 58,000 pounds:	\$ 876.00;	
(56)	58,001 to 59,000 pounds:	\$ 890.00;	
(57)	59,001 to 60,000 pounds:	\$ 906.00;	
(58)	60,001 to 61,000 pounds:	\$ 920.00;	
(59)	61,001 to 62,000 pounds:	\$ 934.00;	
(60)	62,001 to 63,000 pounds:	\$ 950.00;	
(61)	63,001 to 64,000 pounds:	\$ 964.00;	
(62)	64,001 to 65,000 pounds:	\$ 1,132.00;	
(63)	65,001 to 66,000 pounds:	\$ 1,148.00;	
(64)	66,001 to 67,000 pounds:	\$ 1,166.00;	
(65)	67,001 to 68,000 pounds:	\$ 1,182.00;	
(66)	68,001 to 69,000 pounds:	\$ 1,200.00;	
(67)	69,001 to 70,000 pounds:	\$ 1,218.00;	
(68)	70,001 to 71,000 pounds:	\$ 1,236.00;	
(69)	71,001 to 72,000 pounds:	\$ 1,336.00;	
(70)	72,001 to 72,000 pounds:	\$ 1,354.00;	
(71)	73,001 to 74,000 pounds:	\$ 1,374.00;	
(72)	74,001 to 75,000 pounds:	\$ 1,392.00;	
(73)	75,001 to 76,000 pounds:	\$ 1,410.00;	
(74)	76,001 to 77,000 pounds:	\$ 1,516.00;	
(75)	77,001 to 78,000 pounds:	\$ 1,538.00;	
(76)	78,001 to 79,000 pounds:	\$ 1,558.00;	
(77)	79,001 to 80,000 pounds:	\$ 1,600.00;	

No vehicle in excess of 80,000 pounds will be registered.

(C) Notwithstanding other provisions of this chapter, the department may enter into agreement with other states in a registration and license reciprocal agreement known as the international registration plan and the registration and license required in this section may be apportioned for vehicles which qualify and are licensed in accordance with the provisions of the plan.

(D) A vehicle registered in this State and found to be operating in excess of the gross vehicle weight for which it is currently registered may be impounded by the department until all registration fees, permit fees, or penalties are paid or satisfactory arrangements for payment of the fees and/or penalties to the department have been made.

Text of (E) effective until January 1, 2019.

(E) The department may register an apportionable vehicle for the payment of one-half of this State's portion of the license fee for a vehicle whose portion owed to this State exceeds eight hundred dollars. The department may require any information necessary to complete the transaction.

Text of (E) effective January 1, 2019.

(E) The department may register a large commercial motor vehicle, as defined in Section 12-37-2810, for the payment of one-half of this state's portion of the license and road fee for a vehicle whose portion of the license and road fee owed to this State exceeds four hundred dollars. The department may require any information necessary to complete the transaction.

(F) Upon evidence of reliability in the payment of its obligations, the department may accept the check of a motor carrier company in payment of applicable fees and assessments.

Text of (G) effective January 1, 2019.

(G) Fees for licensing and registration, and fees imposed pursuant to Article 23, Chapter 37, Title 12, may be credited or prorated as prescribed by the Department of Motor Vehicles.

**HISTORY:** 1962 Code Section 46-35; 1952 Code Section 46-35; 1949 (46) 342; 1959 (51) 391; 1960 (51) 1540; 1972 (57) 2266; 1976 Act No. 738 Section 5; 1981 Act No. 177 Section 12; 1985 Act No. 201, Part II, Section 22A; 1986 Act No. 540, Part II, Section 20; 1989 Act No. 44, Section 1; 1991 Act No. 148, Section 1; 1992 Act No. 384, Section 1; 1993 Act No. 164, Part II, Section 22J; 1996 Act No. 459, Section 135; 2017 Act No. 40 (H.3516), Sections 8.E to 8.G, eff January 1, 2019.

Editor's Note

2017 Act No. 40, Sections 8.L, 8.M, provide as follows:

“L. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12-37-2820 and 12-37-2850 at the time the vehicle's registration fees are paid.

“(2) Notwithstanding the provisions in Section 12-37-2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019, the first four hundred thousand dollars of fee revenue collected pursuant to Section 12-37-2865 must be retained by the Department of Motor Vehicles to defray programming costs.

“(3) The initial millage required by Section 12-37-2850 must be calculated on or before June 1, 2018.

“M. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12-37-2850 by July 1, 2018.”

Effect of Amendment

2017 Act No. 40, Section 8.E, in (A), in the fourth sentence, substituted “small commercial motor vehicle, as defined in Section 12-37-2810,” for “vehicle of this classification”, and, in the fifth sentence, substituted “A proportionate fee may not” for “No proportionate fee may”.

2017 Act No. 40, Section 8.F, added (G), providing the fees for licensing and registration may be credited or prorated.

2017 Act No. 40, Section 8.G, rewrote (E), providing that the department may register a large commercial motor vehicle for the payment of one-half of the state's portion of the license and road fee.

**SECTION 56-3-661.** Certification requirements; insurance requirements.

No for-hire motor vehicle carrier of property, except carriers of household goods or hazardous waste for disposal, may operate in this State without having applied for and received a Class E

Certificate of Compliance from the Department of Motor Vehicles. A one-time fee of twenty-five dollars may be charged each company for each certificate issued.

The applicant must provide evidence of meeting the financial responsibilities or insurance requirements, satisfy compliance requirements of the United States Department of Transportation motor carrier safety and hazardous materials regulations before issuance, and continually satisfy these requirements or certification may be suspended, revoked, or placed in a probationary status.

The Department of Motor Vehicles is authorized to promulgate regulations to implement these responsibilities.

The holder of a Class E Certificate may be eligible for exceptions provided by Sections 58-23-620 and 44-96-160(W)(1).

HISTORY: 2002 Act No. 301, Section 3.

**SECTION 56-3-662.** Identifier fees; administration and enforcement funding.

The Department of Motor Vehicles shall charge a fee of five dollars for each identifier. The five-dollar identifier fee must be remitted to the general fund. The Department of Motor Vehicles may promulgate regulations pursuant to this section. The five-dollar fee collected pursuant to this section must be placed in a special restricted account by the Comptroller General to be used by the Department of Public Safety for the administration and enforcement of the provisions contained in Articles 3 and 5 of Chapter 23, Title 58, and for the building or renovation of weigh stations. All unexpended funds from prior years collected under this section may be retained and carried forward by the Department of Public Safety and used for these purposes.

HISTORY: 2002 Act No. 301, Section 3.

**SECTION 56-3-663.** Reciprocal agreements.

The Department of Motor Vehicles is authorized to enter into reciprocal agreements with the regulatory agencies of other states having jurisdiction and authority over motor carriers to provide for base state agreements in which the registration of interstate carriers operating in participating states may be accomplished by registration in one base state. Carriers registering in this State under these agreements are subject to the jurisdiction and authority of the Department of Public Safety and the Department of Motor Vehicles for enforcement purposes. When the carrier's base state is South Carolina, the Department of Motor Vehicles may require further filings of certificates of insurance, surety bonds, and other documents to show the carrier's qualifications to operate. Participating carriers shall register their authority directly with the Department of Motor Vehicles and not with other state or local agencies.

HISTORY: 2002 Act No. 301, Section 3.

**SECTION 56-3-665.** Proof of payment of federal use tax.

The Department of Motor Vehicles shall require evidence of the payment of the use tax imposed by Section 4481 of the Internal Revenue Code of 1986 for those vehicles to which the taxes are required.

HISTORY: 1986 Act No. 373, Section 6; 1996 Act No. 459, Section 136.

**SECTION 56-3-670.** Fees for farm truck licenses; violations; penalties.

(A) For the purpose of this section, “farm truck” is defined as a truck used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck’s owner or another person, including first market. However, farm trucks with an empty weight of less than seven thousand five hundred pounds may be used for ordinary domestic purposes and general transportation but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 pounds GVW/GVWR/GCW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

- (1) transports hazardous materials requiring a placard; or
- (2) is designed or used to transport sixteen or more people, including the driver.

(B) The Department of Motor Vehicles shall issue to bona fide farmers special farm vehicle licenses on an annual basis for farm trucks for a fee as follows according to the gross vehicle weight of the truck:

	Gross Vehicle Weight	Fee		
(1)	Up to 26,499 pounds	\$ 12.00		
(2)	26,500 to 32,499 pounds	\$ 15.00		
(3)	32,500 to 42,500 pounds	\$ 30.00		
(4)	42,501 to 52,500 pounds	\$ 60.00		
(5)	52,501 to 62,500 pounds	\$ 80.00		
(6)	62,501 to 72,500 pounds	\$ 100.00		
(7)	72,501 to 80,000 pounds	\$ 120.00	.	

Nothing in this section exempts farm vehicles from gross weight-axle requirements contained in Section 56-5-4140.

(C) A person who is issued a farm license plate for the purpose defined in this section and uses the license plate for purposes other than those defined is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days, or both.

HISTORY: 1962 Code Section 46-35.1; 1952 Code Section 46-35; 1949 (46) 342; 1959 (51) 391; 1960 (51) 1728; 1979 Act No. 83 Section 1; 1993 Act No. 164, Part II, Section 39A; 1993 Act No. 164, Part II, Section 22K; 1994 Act No. 417, Section 5; 1996 Act No. 392, Section 1; 1996 Act No. 459, Section 137; 2002 Act No. 340, Section 7; 2005 Act No. 62, Section 1, eff May 16, 2005; 2006 Act No. 398, Section 17, eff September 7, 2006; 2012 Act No. 180, Section 3, eff May 25, 2012.

**SECTION 56-3-700.** Fee for trailers, semitrailers, and pole trailers; exemptions.

For every trailer, semitrailer, or pole trailer, not exempted by Section 56-3-120(5), the biennial registration fee is twenty dollars. The Department of Motor Vehicles must include in this classification every trailer, semitrailer, or pole trailer designed for carrying property, except

house trailers, utility trailers, those trailers and semitrailers exempted by Section 56-3-120(5), and boat trailers as otherwise provided in this article. Semitrailers or pole trailers weighing less than five hundred pounds with load capacity of less than one thousand pounds and trailers and semitrailers with an actual unloaded weight of fifteen hundred pounds or less and carrying a load capacity not exceeding twenty-five hundred pounds and which are designed, adapted, and used exclusively for agriculture, horticulture, or livestock-raising operations or for lifting or carrying an implement of husbandry need not be registered or licensed.

HISTORY: 1962 Code Section 46-35.2; 1952 Code Section 46-35; 1949 (46) 342; 1959 (51) 391; 1960 (51) 1962; 1993 Act No. 164, Part II, Section 22L; 1997 Act No. 125, Section 1J.

**SECTION 56-3-710.** Fees for house trailers.

For every house trailer the biennial fee is twelve dollars. The Department of Motor Vehicles shall classify as a "house trailer" every trailer or semitrailer which is designed, constructed, and equipped as a dwelling, living abode, or sleeping place, permanently or temporarily, and is equipped for use as a conveyance on streets or highways or a trailer or semitrailer of similar nature whose chassis and exterior shell is designed and constructed for use permanently or temporarily for advertising, sales, display, or promotion of merchandise or services or for another commercial purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier. The department may not license and register a house trailer which exceeds the permissible size limitations prescribed in Sections 56-5-4030, 56-5-4060, and 56-5-4070, but the house trailers permitted to be moved over the highways by the department under special permits issued pursuant to Sections 57-3-130 to 57-3-190 shall pay to the Department of Transportation a fee of five dollars a trip.

HISTORY: 1962 Code Section 46-35.3; 1952 Code Section 46-35; 1949 (46) 3 2; 1959 (51) 391; 1993 Act No. 164, Part II, Section 22M; 1996 Act No. 459, Section 138.

**SECTION 56-3-720.** Fees for camper or travel trailers; distinctive tag.

For every camper or travel trailer the biennial registration fee is ten dollars. The Department of Motor Vehicles must include in this classification every trailer not more than thirty-five feet long and eight feet wide primarily equipped, designed, converted, or used for private living quarters and towed by a motor vehicle. The department shall design a distinctive tag which must be displayed on the exterior of the rear of the trailer in a conspicuous place.

HISTORY: 1962 Code Section 46-35.6; 1968 (55) 2453; 1977 Act No. 63; 1993 Act No. 164, Part II, Section 22N; 1996 Act No. 459, Section 139.

**SECTION 56-3-730.** Owner shall select load capacity classification; changes.

The owner of a vehicle classified under Sections 56-3-130 and 56-3-660 to 56-3-710, may register and license such vehicle for the desired load capacity classification, and a previous registration and license for a particular load capacity classification for a particular vehicle shall not be deemed as fixing the load capacity classification on such vehicle for future registrations and licenses or renewals. Also the owner may have the privilege at any time during a then current registration and license period to raise the load classification for a vehicle by making application therefor to the Department of Motor Vehicles and paying the required increased

differential in fee, but the owner may not have the privilege of reducing the load classification for a particular vehicle until the expiration of the then current registration and license period.

HISTORY: 1962 Code Section 46-36; 1952 Code Section 46-36; 1949 (46) 342.

**SECTION 56-3-740.** Fees for trackless trolley buses.

For every trackless trolley bus the biennial registration fee is four hundred dollars for each bus weighing not over fifteen thousand pounds, exclusive of passengers, and for each bus weighing more than fifteen thousand pounds, exclusive of passengers, an additional forty dollars for each additional one thousand pounds of weight or fraction. The Department of Motor Vehicles must include under this classification every bus propelled by electric power obtained from overhead trolley wires but not operated upon rails.

HISTORY: 1962 Code Section 46-37; 1952 Code Section 46-37; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22O.

**SECTION 56-3-750.** Fees for special mobile equipment vehicles.

For every special mobile equipment vehicle not exempt from the payment of a biennial registration and license fee under Section 56-3-120 the biennial registration fee is ten dollars for each vehicle having a gross weight of not more than four thousand pounds, and for every vehicle having a gross weight of more than four thousand pounds, an additional eight dollars for each additional one thousand pounds of weight or fraction over four thousand pounds.

HISTORY: 1962 Code Section 46-38; 1952 Code Section 46-38; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22P.

**SECTION 56-3-760.** Fees for motorcycles, motorcycle three-wheel vehicles, and motor-driven cycles.

Section effective until November 19, 2018. See, also, section 56-3-760 effective November 19, 2018.

For every motorcycle, motorcycle three-wheel vehicle, or motor-driven cycle the biennial registration fee is ten dollars.

HISTORY: 1962 Code Section 46-39; 1952 Code Section 46-39; 1949 (46) 342; 1986 Act No. 540, Part II, Section 42B; 1993 Act No. 164, Part II, Section 22Q; 2000 Act No. 375, Section 6.

**SECTION 56-3-760.** Fees for motorcycles, motorcycle three-wheel vehicles, and motor-driven cycles.

Section effective November 19, 2018. See, also, section 56-3-760 effective until November 19, 2018.

For every motorcycle, motorcycle three-wheel vehicle, or moped the biennial registration fee is ten dollars.

HISTORY: 1962 Code Section 46-39; 1952 Code Section 46-39; 1949 (46) 342; 1986 Act No. 540, Part II, Section 42B; 1993 Act No. 164, Part II, Section 22Q; 2000 Act No. 375, Section 6; 2017 Act No. 89 (H.3247), Section 16, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 16, substituted “moped “ for “motor-driven cycle”.

**SECTION 56-3-770.** Fees for vehicles equipped with solid tires.

The biennial registration and license fee for every motor vehicle, trailer, semitrailer, pole trailer, or special mobile equipment vehicle equipped with solid tires is double the biennial fee otherwise specified in this article.

HISTORY: 1962 Code Section 46-40; 1952 Code Section 46-40; 1949 (46) 342; 1993 Act No. 164, Part II, Section 22R.

**SECTION 56-3-780.** Permanent license plates and fees for vehicles of State, political subdivisions, or Civil Air Patrol; transferability.

(A) Permanent license plates must be issued by the Department of Motor Vehicles for all motor vehicles operated by the State or its political subdivisions. The license fee, including registration, is two dollars. Permanent plates must bear the words “South Carolina”, the number, and a prefix “SG”, “RG”, “CG”, or “MG” to designate respectively state government, regional government, county government, or municipal government. The department may issue a permanent license plate to vehicles used by state or local law enforcement agencies. The fee for the permanent plate is two dollars. A decal may be issued to designate the law enforcement agency. The department may charge a reasonable fee to cover the cost of the decal.

(B) All other vehicles operated by the State or its subdivisions and the Civil Air Patrol must be registered and licensed for a biennial fee of two dollars and must be issued plates in accordance with Section 56-3-1710.

(C) Registration and licenses issued under this section are not transferable except to another agency or department of government.

HISTORY: 1962 Code Section 46-41; 1952 Code Section 46-41; 1949 (46) 342; 1957 (50) 253; 1967 (55) 588; 1978 Act No. 538; 1993 Act No. 164, Part II, Section 22S; 1996 Act No. 459, Section 140; 2000 Act No. 286, Section 2.

**SECTION 56-3-785.** Issuance of permanent license plates to certain owners of trailers and semi-trailers; fees; design.

(A) Upon proper application, the Department of Motor Vehicles may issue a registration and license plate on a permanent basis for semitrailers, regular trailers, and utility trailers.

(B) The fee for the license is seventy-five dollars for each semitrailer, regular trailer, and utility trailer, and is not transferable. The fee must be paid in one sum. After the initial issuance of the license the owner shall remit annually to the department on a form furnished by the department a report of the units still in use and units which must be deleted and return the licenses issued to the units no longer in use. Failure to furnish required forms by the due date established by the department results in a fine not to exceed fifty dollars. A permanent license may be purchased for chassis, specially constructed to transport international shipping containers, without being required to furnish a South Carolina address if the chassis is not for domicile.

(C) The license plate must be the same size of regular license plates and design as specified by the department.

HISTORY: 1985 Act No. 201, Part II, Section 71; 1989 Act No. 113, Section 1.

**SECTION 56-3-790.** Fees for certain motor vehicles used in rescue work.

The Department of Motor Vehicles shall issue a license upon the payment of a five dollar fee to any chartered volunteer rescue league in this State for any motor vehicle owned and operated by it solely for rescue work without charge.

HISTORY: 1962 Code Section 46-41.1; 1965 (54) 558; 1993 Act No. 181, Section 1364.

**SECTION 56-3-830.** Postage charge.

The Department of Motor Vehicles may charge an additional fee of fifteen cents postage for every license mailed to the owner.

HISTORY: 1962 Code Section 46-44; 1952 Code Section 46-44; 1949 (46) 342.

**SECTION 56-3-840.** Delinquent registration and license penalties.

The owner of every vehicle required to be registered and licensed under the provisions of this chapter who fails to register and license the vehicle and pay the specified fees or renewal, when and as required, upon registering the vehicle shall pay to the Department of Motor Vehicles a delinquency penalty fee of ten dollars, if the owner is delinquent less than fifteen days. If the owner is delinquent by fifteen days but less than thirty days, he shall pay a delinquency penalty of twenty-five dollars. If the owner is delinquent by more than thirty days but less than ninety days, he shall pay a delinquency penalty fee of fifty dollars to the department. If the owner is delinquent by more than ninety days, he shall pay a delinquency penalty fee of seventy-five dollars to the department. However, there is no delinquency penalty fee for campers and travel trailers subject to the registration fee under Section 56-3-720.

A person who drives, moves, or operates on a highway a vehicle for which a registration and license are required but have not been obtained within thirty days of the date when required is guilty of a misdemeanor.

All monies collected pursuant to this section, not to exceed the actual revenues collected in fiscal year 1999-2000, must be annually deposited to a separate account and held in reserve for the Department of Public Safety. Notwithstanding any other provision of law, these monies must be deposited to the credit of the department into a special fund in the office of the State Treasurer designated as the "Department of Public Safety Building Fund". The Department of Public Safety must use these monies and other unobligated monies for the purpose of issuing revenue bonds or for entering into a lease purchase agreement for a headquarters facility, including the renovation of existing facilities. The Department of Public Safety is authorized to initiate and direct a capital project to purchase or construct a new headquarters facility. Projects funded under this section other than for the construction or purchase of a new headquarters facility, including but not limited to, the expansion or renovation of an existing facility, must be approved by a joint resolution provided that if the Department of Public Safety employs a lease purchase agreement to build or purchase a new headquarters facility, the lease purchase agreement must be approved by the State Department of Administration or State Fiscal Accountability Authority, as appropriate. The cost of a headquarters facility must not exceed thirty million dollars unless a parking facility or garage is required.

HISTORY: 1962 Code Section 46-45; 1952 Code Section 46-45; 1949 (46) 342; 1984 Act No. 371, Section 2; 1990 Act No. 612, Part II, Section 61; 1999 Act No. 100, Part II, Section 88; 2000 Act No. 387, Part II, Section 89A; 2008 Act No. 353, Section 2, Pt 12E, eff July 1, 2009.

**SECTION 56-3-860.** Accepting uncertified checks for license fees.

The Department of Motor Vehicles may, in the discretion of the director of the department, accept uncertified checks of an applicant-owner in payment for license fees charged for the issuance of license plates for motor vehicles, trailers, semitrailers, pole trailers and motor vehicle dealers.

HISTORY: 1962 Code Section 46-47; 1952 Code Section 46-47; 1950 (46) 2203; 1951 (47) 533; 1993 Act No. 181, Section 1365.

**SECTION 56-3-870.** Procedure if uncertified check is returned unpaid.

If an uncertified check is accepted by the Department of Motor Vehicles as payment for the fees due on account of the issuance of license plates and such check is returned to the Department unpaid for any cause whatsoever, the Department may suspend or cancel the registration and license purchased by check and repossess the registration card, license plates or other documents issued by the Department, and the applicant-owner shall pay to the Department the amount of ten dollars to cover the cost of repossession and collection if the license and registration are suspended or cancelled.

HISTORY: 1962 Code Section 46-48; 1952 Code Section 46-48; 1950 (46) 2203; 1951 (47) 533.

**SECTION 56-3-890.** Refunds when application is refused or rejected; refund of fees collected in error.

Whenever any application made to the Department of Motor Vehicles is accompanied by any fee as required by law and such application is refused or rejected, the fee shall be returned to the applicant. Whenever the Department, through error, collects any fee not required to be paid under this chapter or any amount over and above the required correct fee, such fee or amount shall be refunded to the person paying it upon the initiative of the Department or upon application therefor made within six months after the date of such payment or overpayment.

HISTORY: 1962 Code Section 46-50; 1952 Code Section 46-50; 1950 (46) 2203.

**SECTION 56-3-900.** Procedures for refund when vehicle is not used or is destroyed.

(A) When a vehicle is registered and licensed under this chapter and the required fee is paid but it has not been operated in this State or elsewhere as a vehicle registered and licensed under the laws of this State since the beginning of the registration and license period for which the registration and license fee was paid and a claim is filed with the Department of Motor Vehicles for a refund within ninety days after the date of the registration and license and the claim is supported by evidence of nonoperation satisfactory to the department and is accompanied by the return of the registration card and license plates, or satisfactory proof that the card or plates have been lost, the department may make refund to the original payer of the full amount of the biennial registration and license fee.

(B) When a vehicle is registered and licensed under this chapter and the required fee is paid and the vehicle is junked or totally destroyed during the registration and license period for which the fee was paid and a claim is filed with the department for refund within ninety days after the date the vehicle was junked or destroyed and the claim is supported by evidence satisfactory to the department and is accompanied by the return of the registration card and license plates or sufficient proof that the card or plates have been lost, the department may refund the proportionate part of the license and registration fee paid, based on one twelfth of the fee paid for every full calendar month remaining if the vehicle received an annual registration, one twenty-fourth of the fee paid for every full calendar month remaining if the vehicle received a biennial registration, and one-sixth of the fee paid for every full calendar month remaining if the vehicle received a six-month registration in the registration and license period. However, no refund of less than ten dollars may be made under this section.

(C) When a vehicle is sold and is licensed and registered with a South Carolina apportioned license plate and the required fee has been paid, the registrant may apply for a refund of the South Carolina apportioned fee based on the full months remaining in the license period within ninety days of the date of sale. Notification of the sale must be provided to the department along with the license plate and registration card. No refund may be made for less than ten dollars.

HISTORY: 1962 Code Section 46-51; 1952 Code Section 46-51; 1949 (46) 342; 1951 (47) 527; 1955 (49) 142; 1990 Act No. 543, Section 1; 1993 Act No. 164, Part II, Section 22T.

**SECTION 56-3-905.** Motor vehicle registration refund.

Notwithstanding the provisions of Section 56-3-900, when the owner or lessee of a motor vehicle or vehicle including, but not limited to, trailers and semitrailers, licensed and registered for a biennium pursuant to Section 56-3-253 surrenders the license plate and registration to the Department of Motor Vehicles in the first twelve months of the licensing period, the department shall refund to the owner or lessee an amount equal to one-half the registration fee paid on the vehicle. If the owner or lessee is simultaneously registering another vehicle, the refund amount, at the owner's or lessee's option, may be applied against the registration fee due.

HISTORY: 1994 Act No. 417, Section 2.

**SECTION 56-3-910.** Placement of fees and penalties in state highway account of South Carolina Transportation Infrastructure Bank; exceptions; reports.

All fees and penalties collected by the department under the provisions of this chapter must be placed in the state highway account of the South Carolina Transportation Infrastructure Bank except for those fees and penalties which must be credited to a different account as otherwise provided for by law.

Not later than September first of each year, the department must provide the South Carolina Transportation Infrastructure Bank a report for the previous fiscal year that lists the total amount of fees and penalties it collected pursuant to Sections 56-3-660 and 56-3-670 by vehicle classification and weight.

HISTORY: 1962 Code Section 46-52; 1952 Code Section 46-52; 1949 (46) 342; 1993 Act No. 181, Section 1366; 1997 Act No. 148, Section 4; 2000 Act No. 387, Part II, Section 98A; 2005

Act No. 57, Section 1, eff May 17, 2005; 2005 Act No. 176, Section 12, eff June 14, 2005; 2009 Act No. 18, Section 1, eff May 19, 2009.

**SECTION 56-3-920.** Fees additional to public service fees.

The registration and license fees imposed by this article shall be in addition to any fees required by law to be paid to the Public Service Commission, and nothing in this chapter shall affect or impair the provisions of Chapter 23 of Title 58.

HISTORY: 1962 Code Section 46-53; 1952 Code Section 46-53; 1949 (46) 342.

## ARTICLE 6

### Corporate-Owned Fleet Motor Vehicles

**SECTION 56-3-1010.** Definitions.

As used in this article:

(1) "Fleet" means fifty or more marked private passenger motor vehicles or property carrying vehicles with empty weight of not more than twenty-two thousand pounds and a gross vehicle weight of not more than twenty-six thousand pounds, owned or long-term leased by a corporation or other legal entity, and registered in this State pursuant to this article.

(2) "Marked vehicle" means a vehicle with a name, trademark, or logo located either on the sides or the rear of the vehicle in sharp contrast to the background and of a size, shape, and color that is legible during daylight hours from a distance of fifty feet.

HISTORY: 1993 Act No. 164, Part II, Section 90; 1994 Act No. 322, Section 1; 1996 Act No. 459, Sections 141, 246A; 2004 Act No. 196, Section 1.

**SECTION 56-3-1020.** Corporation or other entity may register vehicles as fleet on annual basis; special license plates and registration cards; application and fee.

A corporation or other legal entity may register its fleet on an annual basis so that the registration of all vehicles in the fleet expires in the same month instead of staggered vehicle registration. The month of expiration must be approved by the Department of Motor Vehicles. The department may issue special license plates and registration cards for fleet motor vehicles upon application in a manner determined by the department. The application must be approved if it contains the information necessary for qualification as a fleet motor vehicle, provides a list of all vehicles to be included in the fleet, and includes payment of a filing fee of one hundred dollars. The filing fee is in addition to the registration fees required by this chapter. The department may authorize select fleet operators to issue special license plates and registration cards for their own fleet vehicles.

HISTORY: 1993 Act No. 164, Part II, Section 90; 1996 Act No. 459, Section 142.

**SECTION 56-3-1030.** Fleet registration card to be carried and made available to law enforcement officers; license plate to be displayed.

Upon approval of the application for fleet registration, the director shall issue a fleet registration card and license plate for each of the qualified vehicles in the fleet. The fleet registration card must be carried in the vehicle at all times and made available to a law

enforcement officer on demand. The license plate must be displayed in the manner prescribed by the Department of Motor Vehicles.

HISTORY: 1993 Act No. 164, Part II, Section 90.

**SECTION 56-3-1040.** Fees for private passenger motor vehicles and property-carrying vehicles; vehicle added to fleet during registration year.

The fee for private passenger motor vehicles registered as part of a fleet under the provisions of this article is the same fee imposed by Section 56-3-620. The fee for property-carrying vehicles registered as part of a fleet under the provisions of this article is the same fee imposed by Section 56-3-660. A vehicle added to the fleet during the registration year must be registered in accordance with the provisions of this article. The fee for licensing and registration may be prorated as prescribed by the Department of Motor Vehicles.

HISTORY: 1993 Act No. 164, Part II, Section 90; 1996 Act No. 459, Section 143.

**SECTION 56-3-1050.** Renewal of fleet registration; deletion of vehicle from fleet.

Upon renewal of the fleet registration, the Department of Motor Vehicles shall require payment of full licensing fees for every vehicle registered in this preceding year unless the vehicle has been properly deleted from the fleet.

To delete a vehicle from the fleet, the fleet registration card and the fleet license plate must be surrendered to the department. If the card or license plate is lost or stolen, the person registering the fleet shall submit a sworn statement giving the circumstances for the inability to surrender the card or license plate.

HISTORY: 1993 Act No. 164, Part II, Section 90.

## ARTICLE 7

### Free Vehicular Registration for Disabled Veterans

**SECTION 56-3-1110.** Special license plate for wartime disabled veteran.

(A) A wartime disabled veteran who is entitled to compensation for the loss, or loss of use of one or both legs or arms, or the permanent impairment of vision in both eyes to a degree as to constitute virtual blindness and is also entitled to a special monthly statutory award by reason thereof or any South Carolina veteran classified as totally and permanently disabled due to service-connected disabilities as determined from medical records on file with the Veterans Administration or a certificate signed by the county veterans affairs officer certifying the disability may make application for registration and license of his owned or leased private passenger motor vehicle to the Department of Motor Vehicles without accompanying the application with the usual fee for registration and license of a vehicle of similar type. The department shall issue the license plates upon the receipt of an application in the form required by the department. Not more than two disabled veteran license plates may be issued to a wartime disabled veteran. A veteran who is issued a license plate under the provisions of this section must provide a new certification as prescribed by this subsection at the time a new license plate is issued. A surviving spouse of such a veteran is also eligible to obtain such plate so long as the

surviving spouse does not remarry. When a new license plate is issued to a surviving spouse, the spouse must certify on a form prescribed by the department that the spouse has not remarried.

(B) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56-3-1960(1), then the license plate issued pursuant to this section shall also include the distinguishing symbol used on license plates issued pursuant to Section 56-3-1960(1). Until the department determines that the license plate shall be redesigned to include the symbol, the department shall develop a decal using a distinguishing symbol to be placed on the license plate which shall be issued to all persons who request the license plate authorized by this subsection, including persons for whom license plates were issued pursuant to this section on the effective date of this subsection.

HISTORY: 1962 Code Section 46-61; 1952 Code Section 46-61; 1950 (46) 2359; 1951 (47) 224; 1958 (50) 1664; 1959 (51) 50; 1968 (55) 2855; 1976 Act No. 562; 1979 Act No. 72; 1992 Act No. 485, Section 4; 1996 Act No. 459, Section 144; 2006 Act No. 398, Section 18, eff September 7, 2006.

**SECTION 56-3-1120.** Disabled veteran special license plates authorized.

The Department of Motor Vehicles may issue a special license plate with the words “Disabled Veteran” and a special number imprinted on it showing that the license plate was issued to a disabled American veteran.

HISTORY: 1962 Code Section 46-62; 1952 Code Section 46-62; 1950 (46) 2359; 2001 Act No. 104, Section 5.

**SECTION 56-3-1130.** Penalties.

It is a misdemeanor for anyone to violate any of the provisions of this article. Every person convicted of a misdemeanor for the violation of any provision of this article shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-64; 1952 Code Section 46-64; 1950 (46) 2359.

## ARTICLE 8

### Free Vehicular Registration for Former Prisoners of War

**SECTION 56-3-1150.** Free vehicular registration for former prisoners of war.

A member or former member of the armed forces who was a prisoner of war (POW) in World War I, World War II, the Korean Conflict, or the Vietnam Conflict and who is a legal resident of this State may make application for registration and licensing of his private passenger motor vehicle to the Department of Motor Vehicles without paying the usual fee for registration and licensing of a vehicle of similar type. The department shall issue the license plate or the revalidation sticker upon receipt of the application in a form required by the department. The provisions of this section do not apply if the former POW applies for a special personalized motor vehicle license plate under the provisions of Section 56-3-2010. The department may issue or transfer a special POW motor vehicle license plate to a vehicle owned or leased by a former POW or his surviving spouse. A former POW who is issued a license plate under the provisions of this section or surviving spouse is not required to reapply so long as the former POW or

surviving spouse owns the vehicle for which the plate is issued. The plate shall bear the words "South Carolina", the number, and prefix "POW".

The surviving spouse of a former POW after notice to the department may retain the plate and is entitled to all the privileges of the POW for the lifetime or until remarriage of the surviving spouse.

HISTORY: 1978 Act No. 446 Section 1; 1979 Act No. 163 Section 1; 1981 Act No. 176; 1987 Act No. 129 Section 1; 1992 Act No. 485, Section 1; 1993 Act No. 181, Section 1367; 1996 Act No. 459, Section 145.

## ARTICLE 9

### License Plates and Registration Cards Generally

**SECTION 56-3-1210.** License plates furnished by Department.

Beginning with the licensing year 1975-1976, the Department of Motor Vehicles, upon registering and licensing a vehicle, shall issue to the owner one license plate. Every license plate shall remain the property of the State but shall be displayed on the vehicle as required by this chapter.

HISTORY: 1962 Code Section 46-71; 1952 Code Section 46-71; 1949 (46) 342; 1974 (58) 2262.

**SECTION 56-3-1220.** Municipalities and counties shall not issue license plates.

No county or municipality shall issue a municipal or county license plate.

HISTORY: 1962 Code Section 46-71.1; 1974 (58) 2262.

**SECTION 56-3-1230.** Specifications of license plates; periodic issuance of new plates; treatment with reflective material; issuance of revalidation stickers.

(A) License plates must be at least six inches wide and not less than twelve inches in length and must show in bold characters the year of registration, the serial number, the full name or the abbreviation of the name of the state, and other distinctive markings the department may consider advisable to indicate the class of the weight of the vehicle for which the license plate was issued. The plate must be of a strength and quality to provide a minimum service of five years. A new license plate including personalized and special plates, but excluding license plates provided in Sections 56-3-660 and 56-3-670, must be provided by the department at intervals the department considers appropriate, but at least every ten years. A new license plate for vehicles contained in Sections 56-3-660 and 56-3-670, must be provided by the department at intervals the department considers appropriate. Beginning with the vehicle registration and license fees required by this title which are collected after July 1, 2002, except for the fees collected pursuant to Sections 56-3-660 and 56-3-670, two dollars of each biennial fee and one dollar of each annual fee collected from the vehicle owner must be placed by the Comptroller General in a special restricted account to be used solely by the Department of Motor Vehicles for the costs associated with the production and issuance of new license plates. The department is not authorized to use this set aside money for any other purpose. License plates issued for vehicles in excess of twenty-six thousand pounds must be issued biennially, and no revalidation sticker may

be issued for the plates. License plates issued as permanent may be revalidated and replaced at intervals determined by the department.

(B) The face of the license plate must be treated completely with a retroreflective material which increases the nighttime visibility and legibility of the plate. The department shall prepare the specifications for the retroreflective material. In those years in which a metal plate is not issued, a revalidation sticker with a distinctive serial number or other suitable means prescribed by the department must be issued and affixed in the space provided on the license plate assigned to the vehicle upon payment of the fee prescribed for registration and licensing, including fees for personalized or special license plates.

HISTORY: 1962 Code Section 46-72; 1952 Code Section 46-72; 1949 (46) 342; 1966 (54) 2257; 1974 (58) 2262; 1978 Act No. 421 Section 2; 1978 Act No. 567 Section 1; 1990 Act No. 591, Section 1; 1990 Act No. 597, Section 1; 1993 Act No. 164, Part II, Section 22U; 1994 Act No. 497, Section 60; 2001 Act No. 55, Section 2; 2005 Act No. 57, Section 2, eff May 17, 2005; 2016 Act No. 158 (H.3911), Section 1, eff April 21, 2016.

**SECTION 56-3-1240.** Display of license plates; motorcycles equipped with vertically mounted brackets; missing plates.

License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty-six thousand pounds may have the license plate on either the outside front or rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56-5-4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56-5-4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal or a frame on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56-3-2520.

HISTORY: 1962 Code Section 46-73; 1952 Code Section 46-73; 1949 (46) 342; 1957 (50) 146; 1974 (58) 2262; 1991 Act No. 46, Section 1; 2007 Act No. 90, Section 2, eff June 14, 2007; 2008 Act No. 347, Section 1, eff June 16, 2008; 2012 Act No. 272, Section 16, eff December 26, 2012.

**SECTION 56-3-1250.** Registration cards; contents, possession, and display.

The department, upon registering and licensing a vehicle, shall issue to the owner of the vehicle a registration card containing upon the face of the card the date issued, the name and address of the owner, including the county in which the owner resides, the registration and license number assigned to the vehicle, and that other description of the vehicle as may be determined by the department. The registration card must be delivered to the owner. Every registration card must at all times be carried by the person driving or in control of the vehicle, who shall display it upon demand of a police officer or any other person authorized by law to examine registration cards.

HISTORY: 1962 Code Section 46-74; 1952 Code Section 46-74; 1949 (46) 342; 1968 (55) 2631; 1992 Act No. 278, Section 1; 2005 Act No. 29, Section 1, eff March 22, 2005.

**SECTION 56-3-1260.** Procedures upon transfer of ownership of vehicle; notice to department and disposition of plates.

Whenever the owner of a registered and licensed vehicle transfers his ownership therein, he shall immediately notify the Department of Motor Vehicles in writing, giving the name and address of the new owner and the date of transfer. The license plate issued for the vehicle shall remain with the prior owner who, within thirty days of the transfer, either shall apply for the transfer of the plate pursuant to Section 56-3-1290 or shall return the plate to the Department; in either event the registration card shall be concurrently returned to the Department. If the vehicle is registered and licensed in the name of the State, any department, agency, or political subdivision of the State, or any department or agency of such a subdivision and a reduced registration and license fee has been paid, the owner shall return the registration card and the plate issued for the vehicle to the Department for cancellation, unless the transfer is made to another like agency qualified to obtain a registration and license of the vehicle at the reduced rate.

HISTORY: 1962 Code Section 46-75; 1952 Code Section 46-75; 1949 (46) 342; 1959 (51) 391; 1984 Act No. 371, Section 3; 1985 Act No. 40, Section 5.

**SECTION 56-3-1265.** Display of special license plates for particular groups.

The Department of Motor Vehicles must display in all Department of Motor Vehicle offices where motor vehicle license plates or stickers may be obtained or renewed examples of all types of special license plates which individuals of a particular group may obtain. The provisions of this section do not apply to special personalized motor vehicle license plates which individuals may obtain from the department under Section 56-3-2010.

HISTORY: 2001 Act No. 55, Section 1.

**SECTION 56-3-1270.** Procedures upon transfer of ownership of vehicle; application for transfer and issuance of new card; fee.

Whenever any person other than a duly licensed motor vehicle dealer receives by purchase, gift, trade, or otherwise a vehicle which was registered and licensed in this State for the then current registration and license year, the person so receiving such vehicle shall within thirty days after the transfer of ownership make application to the Department of Motor Vehicles for registration and a license plate for such vehicle. The Department, upon being satisfied as to the

genuineness and regularity of the application and with proof of the ad valorem tax being paid as required in Section 12-37-2610, shall issue a new registration card and license plate to the new owner.

HISTORY: 1962 Code Section 46-76; 1952 Code Section 46-76; 1949 (46) 342; 1976 Act No. 738 Section 7; 1984 Act No. 371, Section 4; 1985 Act No. 40, Section 6.

**SECTION 56-3-1280.** Transfer of registered and licensed vehicle to licensed dealer.

Whenever a duly licensed motor vehicle dealer receives by purchase, gift, trade, or otherwise a vehicle which was registered and licensed in this State for the then current registration and license year, the dealer shall not be required to obtain a new registration and license plate, but it shall be optional.

HISTORY: 1962 Code Section 46-77; 1952 Code Section 46-77; 1949 (46) 342; 1984 Act No. 371, Section 5.

**SECTION 56-3-1290.** Transfer of plates to another vehicle of same owner.

The Department of Motor Vehicles, upon application and the payment of a fee of ten dollars, shall transfer the license plate assigned for one vehicle to another vehicle of the same general type owned or leased by the same person without a paid tax receipt for the vehicle. However, subsequent transfers of a license plate to the same vehicle may not be processed without a paid tax receipt based upon the value of the vehicle to which the plate is being transferred. Three dollars of the fees paid pursuant to this section must be deposited in the state general fund, and the remaining seven dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1962 Code Section 46-77.1; 1959 (51) 391; 1976 Act No. 738 Section 8; 1984 Act No. 371; 1994 Act No. 497, Part II, Section 106A; 2008 Act No. 353, Section 2, Pt 13B, eff July 1, 2009; 2016 Act No. 275 (S.1258), Section 30, eff July 1, 2016.

**SECTION 56-3-1300.** Change in name or address of owner; notice to department.

Whenever any person after making application for or obtaining the registration and licensing of a vehicle shall move from the address named in the application or shown upon the registration card, such person shall within thirty days thereafter notify the Department of Motor Vehicles in writing of his old address and new address and obtain from the Department a corrected registration card. Whenever the name of any person who has made application for or obtained the registration and licensing of a vehicle is thereafter changed by marriage or otherwise, such person shall within thirty days thereafter notify the Department of such former and new names and obtain from the Department a corrected registration card.

HISTORY: 1962 Code Section 46-78; 1952 Code Section 46-78; 1949 (46) 342; 1955 (49) 242.

**SECTION 56-3-1310.** Procedures for replacement of lost or damaged registration cards or license plates.

In the event any registration card or license plate is lost, mutilated or becomes illegible, the owner or legal representative or successor in the interest of the owner of the vehicle for which it

was issued, as shown by the records of the Department of Motor Vehicles, shall immediately make application for and obtain a duplicate or substitute or a new registration and license under a new number, as determined to be most advisable by the Department, upon the applicant furnishing information satisfactory to the Department and the payment of any fee required under the provisions of Section 56-3-1320.

If a license plate is lost an application shall be made within ten days to the Department for replacement along with the required fee on forms prescribed by the Department. If a license plate is disfigured, mutilated or defaced to an extent to make it difficult to read, it shall be returned to the Department within ten days with an application for replacement and the required fee. The Department shall issue the replacement plate along with the current revalidation sticker.

**HISTORY:** 1962 Code Section 46-79; 1952 Code Section 46-79; 1949 (46) 342; 1978 Act No. 421 Section 3.

**SECTION 56-3-1320.** Fees for replacement plates and cards.

The Department of Motor Vehicles shall charge a fee of six dollars for every license plate or revalidation sticker issued as a replacement. If a special personalized plate is replaced by a new special personalized plate, the department shall charge a fee in the same amount as the original fee. The department may not charge a fee for a registration card issued as a replacement for a registered and licensed vehicle, but a fee of one dollar must be charged for every duplicate registration card issued by the department.

**HISTORY:** 1962 Code Section 46-80; 1952 Code Section 46-80; 1949 (46) 342; 1978 Act No. 421 Section 4; 1986 Act No. 445; 1996 Act No. 459, Section 146.

**SECTION 56-3-1330.** Suspension, cancellation, or revocation of cards, and plates.

The Department of Motor Vehicles may suspend, cancel, or revoke the registration and license of a vehicle, or the registration card, license plate, revalidation sticker, or other document issued by the department as authorized under this chapter in any of the following events when the:

- (1) department determines to its satisfaction that such registration and license, registration card, license plate, revalidation sticker, or other document was fraudulently or erroneously issued;
- (2) department determines to its satisfaction that a registered and licensed vehicle is mechanically unsafe or unfit to be operated or moved upon a highway;
- (3) vehicle registered and licensed has been dismantled or wrecked;
- (4) department determines that the required fee has not been paid and is not paid upon reasonable notice and demand;
- (5) registration card, license plate, revalidation sticker, or other document is knowingly displayed upon a vehicle other than the one for which it was issued;
- (6) department determines to its satisfaction that the owner has committed any offense under this chapter involving such registration card, license plate, revalidation sticker, or other document;
- (7) department is so authorized under any other provisions of law.

**HISTORY:** 1962 Code Section 46-81; 1952 Code Section 46-81; 1949 (46) 342; 1978 Act No. 421 Section 5; 1993 Act No. 181, Section 1369; 1996 Act No. 459, Section 147.

**SECTION 56-3-1335.** Suspension of vehicle's registration for failure to pay toll; reinstatement fee.

The Department of Motor Vehicles shall suspend a motor vehicle's current registration and shall not register or reregister a motor vehicle that was operated when its driver failed to pay a toll and whose owner has an outstanding judgment for failure to pay a toll pursuant to Section 57-5-1495(E) entered against him. The suspension or denial of registration or reregistration shall remain in effect until the judgment is satisfied, evidence of the satisfaction has been provided to the Department of Motor Vehicles, and a reinstatement fee of fifty dollars has been paid. The reinstatement fee collected must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 2006 Act No. 267, Section 1, eff nine months after approval (approved May 2, 2006); 2016 Act No. 275 (S.1258), Section 31, eff July 1, 2016.

**SECTION 56-3-1340.** Suspension of driver's license does not automatically suspend registration or license plates.

The suspension of a license issued by the Department of Motor Vehicles to any person to operate a motor vehicle on the highways of the State shall not serve to automatically suspend the registration or license plates.

HISTORY: 1962 Code Section 46-81.1; 1963 (53) 501; 1993 Act No. 181, Section 1370.

**SECTION 56-3-1350.** Return of suspended, cancelled, or revoked cards, and plates.

Whenever the Department of Motor Vehicles, as authorized under this chapter, cancels, suspends, or revokes the registration and license of a vehicle or the registration card, license plate, revalidation sticker, or other document issued by it pursuant to this chapter, the owner or person in possession of the document shall immediately return it to the department. The department in all cases shall furnish the person returning the document with a receipt indicating the date of surrender.

HISTORY: 1962 Code Section 46-82; 1952 Code Section 46-82; 1949 (46) 342; 1978 Act No. 421 Section 6; 1989 Act No. 148, Section 37.

**SECTION 56-3-1360.** Use of license plate on vehicle other than vehicle for which plate was issued.

No person shall drive or operate any motor vehicle, trailer, semitrailer or pole trailer on a highway displaying thereon a vehicle license plate which was issued for any other vehicle, and no person shall give, sell, lend, steal or borrow any vehicle license plate issued for a particular vehicle for the purpose of using such license plate on any other vehicle.

HISTORY: 1962 Code Section 46-83; 1952 Code Section 46-83; 1949 (46) 342.

**SECTION 56-3-1370.** Defacement of license plates; seizure of misused, altered, or defaced plates.

No person shall, with intent to defraud, deface or cause to be defaced in any manner any vehicle license plate issued by the Department of Motor Vehicles. Any duly authorized agent of the Department may take up, repossess or recover any license plate if it is being improperly used or if it has been altered or defaced, and the Department may revoke the registration and license of the vehicle involved.

HISTORY: 1962 Code Section 46-84; 1952 Code Section 46-84; 1949 (46) 342; 1957 (50) 595.

**SECTION 56-3-1380.** Return of registration card and license plates for wrecked or dismantled vehicle.

An owner who dismantles or wrecks a vehicle registered and licensed pursuant to this chapter shall forward to the Department of Motor Vehicles the registration card, license plate, and revalidation sticker last issued for the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle's title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56-5-5670 and 56-5-5945.

HISTORY: 1962 Code Section 46-85; 1952 Code Section 46-85; 1949 (46) 342; 1978 Act No. 421 Section 7; 2012 Act No. 242, Section 5, eff December 15, 2012.

**SECTION 56-3-1410.** Fraudulent alteration or forgery of documents; use of altered or forged documents.

It is a misdemeanor, punishable as prescribed in this chapter, for any person (a) to alter, with fraudulent intent, any document issued by the Department of Motor Vehicles as authorized under this chapter except a registration card or license plate, (b) to forge or counterfeit any such document issued or purported to have been issued by the Department or (c) to hold or use any such document, knowing it to have been altered, falsified or forged.

HISTORY: 1962 Code Section 46-86; 1952 Code Section 46-86; 1949 (46) 342; 1957 (50) 595.

## ARTICLE 10

### Year of Manufacture Motor Vehicle License Plates

**SECTION 56-3-1450.** Year of manufacture license plates.

(A) An owner of a motor vehicle that is thirty years old or older, may apply to the department to use a license plate issued by this State in the year corresponding to the model year of the vehicle, if the license plate is legible and serviceable, as determined by the department. If the department determines that the plate is legible and serviceable, the applicant must submit the regular vehicle registration fee contained in Article 5, Chapter 3 of this title, and the special license plate fee required by Section 56-3-2020. The biennial renewal fee for these plates shall be the regular vehicle registration fee contained in Article 5, Chapter 3 of this title, and the special license plate fee required by Section 56-3-2020.

(B) Once the department approves use of the plate and the applicant submits the required fees, the department shall register the plate to the applicant. The department may not register a license plate that has a sequence of numbers, letters, or other characters identical to any other license

plate already issued by the department. The applicant may only use the special license plate on the vehicle with which the license plate registration corresponds.

(C) License plates registered pursuant to this section may only be transferred to vehicles of the same model year as the year the license plate was originally issued.

HISTORY: 2006 Act No. 399, Section 1, eff six months after approval (approved September 29, 2006).

## ARTICLE 11

### Special License Plates; Amateur Radio Operators

**SECTION 56-3-1510.** Special license plates authorized for amateur radio operators; fee.

The Department of Motor Vehicles may issue special motor vehicle license plates to persons who hold unrevoked and unexpired amateur radio licenses of a renewable nature issued by the Federal Communications Commission for private passenger motor vehicles registered in the same name. The biennial fee for the special license plates is two dollars in addition to the regular motor vehicle registration fee prescribed by Article 5 of this chapter. Only one set of the special plates may be issued to a person.

HISTORY: 1962 Code Section 46-95; 1954 (48) 1543; 1955 (49) 593; 1963 (53) 81; 1964 (53) 1901; 1993 Act No. 164, Part II, Section 22V; 1996 Act No. 459, Section 148.

**SECTION 56-3-1520.** Applications.

Applications for special license plates, as authorized under this article, must be made on forms provided by the Department of Motor Vehicles, contain proof satisfactory to the department that the applicant holds an unrevoked and unexpired amateur radio license, and state the call letters assigned to the applicant.

HISTORY: 1962 Code Section 46-95.1; 1954 (48) 1543; 1955 (49) 593; 1993 Act No. 164, Part II, Section 22W; 1996 Act No. 459, Section 149.

**SECTION 56-3-1530.** Design of plates; duration.

The special license plates must be of the same size and general design of regular motor vehicle license plates, upon which must be imprinted the official amateur radio call letters of the persons assigned by the Federal Communications Commission. The special plates are for biennial periods which expire twenty-four months from the month it is issued.

HISTORY: 1962 Code Section 46-95.2; 1954 (48) 1543; 1955 (49) 593; 1963 (53) 81; 1993 Act No. 164, Part II, Section 22X; 1996 Act No. 459, Section 150.

**SECTION 56-3-1540.** Transfer to another vehicle of same owner; display on unauthorized car; return on loss of radio license.

Special license plates issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor and approved by the Department of Motor Vehicles. It shall be unlawful for any person to whom such special license plates have been issued to knowingly permit such plates to be displayed on

any vehicle except the one authorized by the Department. If the amateur radio license of a person holding a special license plate issued pursuant to this article shall be cancelled or rescinded by the Federal Communications Commission, such person shall immediately return the special license plate to the Department.

HISTORY: 1962 Code Section 46-95.4; 1954 (48) 1543; 1955 (49) 593; 1963 (53) 81.

**SECTION 56-3-1550. Penalties.**

Any person violating any of the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or thirty days' imprisonment, or both.

HISTORY: 1962 Code Section 46-95.6; 1955 (49) 593.

**SECTION 56-3-1560. Article is cumulative.**

The provisions of this article shall not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but shall be cumulative thereto.

HISTORY: 1962 Code Section 46-95.5; 1954 (48) 1543; 1955 (49) 573.

## ARTICLE 12

### Special License Plates for Emergency Medical Technicians

**SECTION 56-3-1610. Issuance of special license plates to emergency medical technicians; fee.**

The Department of Motor Vehicles may issue special motor vehicle license plates to emergency medical technicians for private passenger motor vehicles registered in the name of the technicians. The biennial fee for the special license plates is thirty dollars in addition to the regular motor vehicle registration fee prescribed by Article 5 of this chapter. Only one special plate may be issued to a person.

HISTORY: 1978 Act No. 613 Section 1; 1993 Act No. 164, Part II, Section 22Y; 1996 Act No. 459, Section 151.

**SECTION 56-3-1620. Applications.**

Applications for special license plates, as authorized under this article, shall be made on forms provided by the Department of Motor Vehicles and shall contain proof satisfactory to the Department that the applicant has been trained as an emergency medical technician by a hospital which conducts classes in emergency medical procedures and technology.

HISTORY: 1978 Act No. 613 Section 1; 1996 Act No. 459, Section 152.

**SECTION 56-3-1630. Size and design of plates; period of validity.**

The special license plates must be of the same size and general design of regular motor vehicle license plates upon which must be imprinted the letters “EMT” and numbers the Department of Motor Vehicles may determine. The special plates are for biennial periods which expire twenty-four months from the month it is issued.

HISTORY: 1978 Act No. 613 Section 1; 1993 Act No. 164, Part II, Section 22Z; 1996 Act No. 459, Section 153.

**SECTION 56-3-1640.** Transfer of plates; use on unauthorized vehicle; return of plates on revocation of technician’s license.

A special license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor and approved by the Department of Motor Vehicles. It shall be unlawful for any person to whom such special license plate has been issued to knowingly permit such plate to be displayed on any vehicle except the one authorized by the Department. If the recognition of a licensee as a qualified emergency medical technician is revoked, such person shall immediately return the special license plate to the Department.

HISTORY: 1978 Act No. 613 Section 1.

**SECTION 56-3-1650.** Unlawful acts; penalties.

Any person violating any of the provisions of this article or who fraudulently gives false or fictitious information in any application for special license plates, as authorized in this article, conceals a material fact or otherwise commits a fraud in any such application or in the use of any special license plate issued shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or thirty days’ imprisonment, or both.

HISTORY: 1978 Act No. 613 Section 1.

**SECTION 56-3-1660.** Effect of article on rest of chapter.

The provisions of this article shall not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but shall be cumulative thereto.

HISTORY: 1978 Act No. 613 Section 1.

## ARTICLE 13

### Special License Plates; Publicly Owned Motor Vehicles

**SECTION 56-3-1710.** Department shall design and supply special license plate for publicly owned motor vehicles; unlawful to operate motor vehicle without plate.

The Department of Motor Vehicles shall design and supply, at an appropriate fee, a special license plate, or supplemental plate or attachment, for use on all publicly-owned motor vehicles operated by any department or institution of the State of South Carolina, or any of its political subdivisions. It shall be unlawful for any such publicly-owned vehicle to be operated in the State of South Carolina that does not carry such official emblem, marker, or plates. Provided, however, that this provision shall not apply to the automobile supplied for the Governor’s

personal use, automobiles supplied to law enforcement officers, when in the opinion of the chief of the South Carolina Law Enforcement Division or the director of the department it is advisable that such automobiles not be so marked, nor to automobiles supplied to other state officials.

HISTORY: 1962 Code Section 46-95.21; 1963 (53) 358 [478]; 1993 Act No. 181, Section 1371; 1996 Act No. 459, Section 154.

#### ARTICLE 14

##### Special License Plates; Members of the United States Military Reserve

**SECTION 56-3-1750.** Special license plates authorized for members of United States Military Reserve; fee.

The Department of Motor Vehicles may issue a special motor vehicle license plate to active members of the United States Air Force Reserve, United States Army Reserve, United States Coast Guard Reserve, United States Marine Corps Reserve, or United States Navy Reserve who are residents of the State for a private passenger motor vehicle registered in their respective names. The biennial fee for the special license plate is the regular motor vehicle registration fee plus the personalized license plate fee provided by Section 56-3-2020. Only one plate may be issued to a person.

HISTORY: 1986 Act No. 409, Section 1; 1993 Act No. 164, Part II, Section 22AA; 1993 Act No. 181, Section 1372; 1996 Act No. 459, Section 155.

**SECTION 56-3-1760.** Design of plates; duration.

The special license plate must be of the same size and general design as regular motor vehicle license plates. The Department of Motor Vehicles shall imprint the special license plates with the words "United States Military Reserve" or an abbreviation selected by the department, with numbers the department may determine. The license plate must be for a biennial period which expires twenty-four months from the month it is issued.

HISTORY: 1986 Act No. 409, Section 1; 1993 Act No. 164, Part II, Section 22BB.

**SECTION 56-3-1770.** Transfer to another vehicle of same owner; display on unauthorized car; return by holder ceasing to be member of United States Military Reserve.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued knowingly to permit it to be displayed on any vehicle except the one authorized by the department. If a holder of the plate ceases to be an active member of the United States Military Reserve he shall immediately return the plate to the department.

HISTORY: 1986 Act No. 409, Section 1.

**SECTION 56-3-1780.** Relation to other provisions; penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. Any

person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits fraud in the application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both.

HISTORY: 1986 Act No. 409, Section 1.

## ARTICLE 15 Special License Plates; Members of National Guard

**SECTION 56-3-1810.** Number of special license plates to be issued to members of National Guard.

The number of plates that may be issued to members of the National Guard by the Department of Motor Vehicles shall equal the number of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in such person's name in this State; provided, however, that the total number of such plates issued to any one person shall not exceed three. The department shall issue such plates for a particular private passenger motor vehicle or motorcycle registered in that person's name and such plates only may be transferred to another vehicle upon compliance with the provisions of Section 56-3-1830.

HISTORY: 1962 Code Section 46-95.31; 1968 (55) 2443; 1970 (56) 1884; 1979 Act No. 35; 1996 Act No. 459, Section 156; 2013 Act No. 56, Section 2.A, eff June 12, 2013.

**SECTION 56-3-1815.** Special license plates authorized for retired members of National Guard.

The Department of Motor Vehicles may issue a special motor vehicle license plate to a retired member of the South Carolina National Guard and may issue a special motor vehicle license plate to a member of the South Carolina State Guard who is a resident of the State for a private passenger motor vehicle, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, owned or leased by a member or a retiree only after the current stock of South Carolina Guard, National Guard, and South Carolina National Guard Retired license plates is exhausted. An application for a special motor vehicle license plate must include a copy of the applicant's military identification card or other evidence that shows the applicant is either a retired or an active member of the South Carolina National Guard or the South Carolina State Guard.

HISTORY: 1986 Act No. 409, Section 2; 1999 Act No. 63, Section 1; 2002 Act No. 193, Section 1; 2013 Act No. 56, Section 2.B, eff June 12, 2013.

**SECTION 56-3-1820.** Design of plates; denotation of status; fee; duration.

The special license plates must be of the same size and general design of regular motor vehicle license plates upon which must be imprinted the figure of the Minute Man with numbers, or letters, or both, as determined by the Department of Motor Vehicles. The license plate must provide a space on the top of the plate to affix a decal indicating National Guard, Retired National Guard, Air National Guard, or State Guard. This license plate must be issued only after the current stock of South Carolina State Guard, National Guard, and South Carolina National

Guard Retired license plates is exhausted. The biennial fee for the special license plate is the regular motor vehicle registration fee prescribed by Article 5 of this chapter. The plates must be issued for biennial periods.

HISTORY: 1962 Code Section 46-95.32; 1968 (55) 2443; 1970 (56) 1884; 1986 Act No. 409, Section 3; 1993 Act No. 164, Part II, Section 22C; 1996 Act No. 422, Section 4 and Act No. 425, Section 9; 1999 Act No. 63, Section 2; 2013 Act No. 56, Section 2.C, eff June 12, 2013.

**SECTION 56-3-1830.** Transfer to another vehicle of same owner; display on unauthorized car; return by holder ceasing to be member of National Guard.

License plates issued pursuant to this article may be transferred to another vehicle of the same weight class owned or leased by the same person upon application being made therefor and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plates have been issued to knowingly permit them to be displayed on any vehicle except the one authorized by the department. If a holder of a special license plate ceases to be an active member of the National Guard or the State Guard, he immediately shall return the plates to the department.

HISTORY: 1962 Code Section 46-95.33; 1968 (55) 2443; 1986 Act No. 409, Section 4; 1999 Act No. 63, Section 3.

**SECTION 56-3-1840.** Penalties.

The provisions of this article shall not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but shall be cumulative thereto. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or thirty days' imprisonment, or both.

HISTORY: 1962 Code Section 46-95.34; 1968 (55) 2443.

## ARTICLE 16

### Special License Plates; Medal of Honor Recipients

**SECTION 56-3-1850.** Special license plate authorized for recipients of Medal of Honor; no fee.

The Department of Motor Vehicles shall provide, upon proper application being made, a distinctive permanent license plate to any resident of the State who is a recipient of the Medal of Honor, for use on a private passenger motor vehicle registered or leased in the recipient's name. There is no fee for the license plate but no recipient may receive a plate for more than one vehicle.

HISTORY: 1979 Act No. 37; 1993 Act No. 176, Section 1; 1993 Act No. 181, Section 1373; 1996 Act No. 459, Section 157.

**SECTION 56-3-1855.** Special parking privileges for Medal of Honor recipients.

Any person who has been issued a license plate under the provisions of Section 56-3-1850 is allowed to park in metered or timed parking places without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate which is issued by the Department of Motor Vehicles for the vehicles registered to recipients of the Medal of Honor.

HISTORY: 1983 Act No. 74.

**SECTION 56-3-1860.** Design of plates.

The special plates shall be of the same size as regular motor vehicle license plates but shall be of such a distinctive design, and shall bear such letters and numerals, as the Department of Motor Vehicles shall prescribe. No two recipients shall receive identical plates.

HISTORY: 1979 Act No. 37.

**SECTION 56-3-1870.** Transfer to another vehicle of same owner; prohibition on display on unauthorized car.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned or leased by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on a vehicle except the one authorized by the department.

HISTORY: 1979 Act No. 37; 1993 Act No. 176, Section 1.

**SECTION 56-3-1880.** Cumulative nature of article; penalties.

The provisions of this article shall not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but shall be cumulative thereto. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or thirty days' imprisonment, or both.

HISTORY: 1979 Act No. 37.

## ARTICLE 17

### Special License Plates; Disabled Persons Required to Use Wheelchairs

**SECTION 56-3-1910.** License plates for handicapped persons; certification forms; duplication or forgery.

(A) As used in this article, "handicapped" means a person who has one or more of the following conditions:

(1) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;

(2) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(3) a restriction by lung disease to the extent that the person's forced expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(4) requires use of portable oxygen;

(5) a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person's status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;

(6) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson's disease, cerebral palsy, or multiple sclerosis; or

(7) blindness.

(B) Upon payment of the regular motor vehicle license fee, the department may issue a license plate with a special number or identification indicating that the license plate was issued to a person certified as permanently handicapped. A license plate issued pursuant to this section must be accompanied by a certification form completed by a licensed physician.

(C)(1) The department must develop a standardized certification form designed to capture criteria related information relating to persons considered handicapped. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

(2) All persons that have been issued a handicapped license plate as of the effective date of this section will be issued a certificate upon renewal of the license plate. To renew the plate and receive the certificate, the person must be certified as permanently handicapped as provided in this section. Failure to carry a certificate as required by this section by a person that has been issued a handicapped license plate as of the effective date of this section is not a violation of the provisions of this section until after the person renews his license plate.

(D) Forms must be completed by physicians licensed to practice in South Carolina as defined in Section 40-47-5.

(E) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who meets the requirements of this section if the vehicle is owned and titled in the name of the disabled person or in the name of a member of his immediate family.

(F) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for the special license plate issued to the agency, organization, or facility.

(G) When processing applications for special license plates pursuant to this section, the department also shall issue a license plate registration certificate that must be carried at all times in the vehicle driven by or transporting the disabled individual. The certificate must display the name of the individual or organization to which the plate was issued.

(H) Vehicles displaying a special handicapped license plate only may park in designated handicapped parking spaces if that vehicle is driven by or transporting the disabled individual

whose name appears on the license plate registration certificate, or if the certificate lists the name of the agency, organization, or facility authorized under subsection (G). The driver of the vehicle displaying the plate must present the registration when requested by law enforcement entities or their duly authorized agents.

(I) A person who qualifies for a license plate under this section and also qualifies as a disabled veteran under Section 56-3-1110 must be issued the license plate provided for in this section free of charge.

(J)(1) Except as provided in item (2), a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped license plate or a person who falsifies information on an application form for a handicapped license plate is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.

HISTORY: 1962 Code Section 46-95.41; 1968 (55) 3042; 1986 Act No. 498, Section 2; 1986 Act No. 530, Section 1; 1990 Act No. 492, Section 2; 1993 Act No. 82, Section 1993 Act No. 181, Section 1374; 2009 Act No. 24, Section 1, eff six months after approval (approved June 2, 2009).

**SECTION 56-3-1920.** Identification placards for hearing impaired licensed drivers; fees.

(A) An identification placard must be issued to a hearing impaired licensed driver upon application. The application is to be on a form prescribed by the department and may be made in person or by mail. The application must include an original certificate from a licensed physician, as defined in Section 40-47-5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. No licensed applicant may be denied a placard if the completed application includes an original certificate from a licensed physician. The placard shall expire on the licensee's birth date of the fifth calendar year after the calendar year in which a hearing impaired driver is issued a license.

(B) The placard must be rectangular in shape, approximately the same size as an average motor vehicle sun visor, as determined by the department, to enable it to be attached to a sun visor in a motor vehicle. The department shall determine the shape, size preferred, and manner in which a hearing impaired motorcycle operator is to carry or display the placard. The placard must contain the heading "Hearing Impaired Driver" in boldface type and the name, signature, and driver's license number of the hearing impaired person along with an explanation of appropriate use if the hearing impaired driver is stopped by a law enforcement officer while driving.

(C) A fee not to exceed five dollars may be charged to each applicant issued a placard in accordance with this section. These fees must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 2012 Act No. 147, Section 3.B, eff April 23, 2012; 2016 Act No. 275 (S.1258), Section 32, eff July 1, 2016.

## Free Parking for Handicapped Persons

### **SECTION 56-3-1950.** Definitions.

As used in this article:

(1) "Handicapped" means a person as defined in Section 56-3-1910.

(2) "Access aisle" means a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for handicapped persons, on public or private property. Access aisles must be marked so as to discourage parking in them.

HISTORY: 1978 Act No. 462 Section 1; 1979 Act No. 97 Section 1; 1983 Act No. 72 Section 1; 1986 Act No. 530, Section 2; 1992 Act No. 266, Section 1; 1993 Act No. 181, Section 1375; 1996 Act No. 459, Section 246A; 2009 Act No. 24, Section 2, eff six months after approval (approved June 2, 2009).

### **SECTION 56-3-1960.** Temporary and permanent parking placards; illegal duplication or forgery.

(A) A person who is "handicapped" as defined in Section 56-3-1910 may apply to the department for issuance of a temporary or permanent placard. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the application is accompanied by a certificate from a licensed physician that certifies that the individual is handicapped and whether the handicap is temporary or permanent. The placards must indicate that the person is qualified to use reserved handicapped parking spaces. Applications for placards must be processed through and issued by the department's headquarters. Only one placard may be issued to an applicant. The certification procedure shall adhere to the requirements set forth in Section 56-3-1910. In conjunction with the issuance of a placard, applicants also must be issued a placard registration certificate that must be carried at all times in the vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard was issued. A placard only can be displayed on a vehicle driven by or transporting the disabled individual whose name appears on the placard registration certificate. The department shall charge a fee of one dollar for a placard. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard for each vehicle registered upon proper application and the payment of the appropriate fees.

(B) The placards authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for placards issued to an agency, organization, or facility. At the time of qualification, applicants qualifying for a placard under this section also must be issued a placard registration certificate that must be carried at all times in the vehicle transporting handicapped or disabled individuals. The certificate will display the name of the agency, organization, or facility to which the placard was issued.

(C) The placards shall conform to specifications set forth in the standards established for compliance with the Americans with Disabilities Act. The design must incorporate a means for hanging the placard from a vehicle windshield rearview mirror, and:

- (1) contain the International Symbol of Access;
- (2) be color coded to reflect user status in the following manner:
  - (a) dark blue—permanently disabled; and
  - (b) red—temporarily disabled.

(D) Blue and red placards shall contain the qualified user's photograph. The photograph must be taken from the qualified user's driver's license or identification card on file with the department. However, a photograph is not required for a placard issued to an agency, organization, or facility.

(E) Each placard shall contain the placard's expiration date.

(F) When qualified users park in designated spaces, the placard must be displayed in the windshield of the vehicle by hanging it from the rearview mirror. In vehicles in which hanging may not be feasible, the placard must be placed on the side of the dashboard so that it is clearly visible through the windshield. When more than one placard holder is transported in the same vehicle, only one placard needs to be displayed.

(G) Placards used for parking in designated handicapped spaces must be displayed on vehicles driven by or transporting the handicapped individual whose name appears on the placard registration certificate. When parked in designated spaces, the driver of the vehicle displaying the placard must present the placard registration certificate when requested by law enforcement entities or their duly authorized agents.

(H) Placards and placard registration certificates for permanently disabled persons may be issued and renewed for a maximum period of four years and are renewable on the owner's birth date. Placards issued to an agency, organization, or facility must be renewed every four years.

(I) A vehicle displaying a valid out-of-state handicapped license plate or placard or other evidence of handicap issued by the appropriate authority as determined by the department is entitled to the parking privileges provided in this section. Handicapped individuals from other states seeking permanent residence in South Carolina have forty-five days after becoming a resident to obtain South Carolina certification.

(J) Placards issued prior to the effective date of this section must be renewed by the expiration date on the placard or by January 1, 2013, whichever is sooner. To renew the placard and receive the certificate, the person must be certified as permanently handicapped as provided in Section 56-3-1910. Upon renewal, the department will issue a certificate as required by this section. Failure to carry a certificate as required by this section by a person using a placard issued prior to the effective date of this section is not a violation of the provisions of this section until after the placard is renewed or January 1, 2013, whichever is sooner.

(K)(1) Except as provided in item (2), a person that violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped placard or a person who falsifies information on an application form for a handicapped placard is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.

HISTORY: 1978 Act No. 462 Section 2; 1986 Act No. 530, Section 2; 1990 Act No. 492, Section 1; 1990 Act No. 514, Section 1; 1990 Act No. 597, Section 2; 1993 Act No. 82, Section 2; 1993 Act No. 181, Section 1376; 2009 Act No. 24, Section 3, eff six months after approval (approved June 2, 2009).

**SECTION 56-3-1965.** Free parking in metered or timed parking places for handicapped persons.

Those municipalities having marked parking spaces shall provide appropriately designated space or spaces reserved for the parking of handicapped persons. A person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section does not apply to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or to areas which are reserved for special types of vehicles. A vehicle must display a distinguishing license plate which must be issued by the department, or a distinguishing placard which must be issued by the department, pursuant to Section 56-3-1960 when parked in metered or timed parking places.

HISTORY: 1980 Act No. 467; 2009 Act No. 24, Section 4, eff six months after approval (approved June 2, 2009).

**SECTION 56-3-1970.** Unlawful acts; penalties; summary court jurisdiction.

(A) It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56-3-1960.

(B) It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Sections 56-3-1910, 56-3-1960, and 56-3-1965.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days for each offense.

(D) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

HISTORY: 1978 Act No. 462 Section 3; 1983 Act No. 72 Section 2; 1986 Act No. 530, Section 2; 1988 Act No. 429, Section 1; 1992 Act No. 421, Section 3; 2009 Act No. 24, Section 6, eff six months after approval (approved June 2, 2009); 2010 Act No. 273, Section 14.B, eff June 2, 2010.

**SECTION 56-3-1971.** Uniform parking violations tickets; who may issue; form and contents.

All law enforcement officers issuing tickets on public and private property and state law enforcement division licensed security officers of shopping centers and business and commercial establishments, which provide parking spaces designated for handicapped persons, are authorized to issue a uniform parking violations ticket to the vehicle for violations of the prescribed use of the parking spaces. The uniform parking violations ticket shall provide a means for tracking violators by tag number and recording the violations with the Department of Motor Vehicles.

The procedures governing the issuance, form, and content of the uniform parking violations ticket must be prescribed by the department and approved by the Attorney General within thirty days of submission by the department.

HISTORY: 1992 Act No. 421, Section 4; 1993 Act No. 181, Section 1377; 1994 Act No. 497, Part II, Section 36Q; 1996 Act No. 459, Section 158.

**SECTION 56-3-1973.** Printing of uniform parking violations tickets; distribution; cost; forwarding of audit copies.

The Department of Motor Vehicles shall have the uniform parking violations ticket printed. The department may authorize a law enforcement agency to automate the issuance of uniform parking violations tickets. Law enforcement and security agencies shall order tickets from the department and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement or security agency. The audit copy and the department's record copy must be forwarded to the department within thirty days of the disposition of the case by final trial court action. The head of each law enforcement agency is responsible for forwarding the audit copies and for conducting an annual inventory on December thirty-first of all tickets received but not yet disposed of by final trial court action and forwarding the results of the inventory on a form prescribed by the department to the department within ten days of the completion of the inventory.

HISTORY: 1992 Act No. 421, Section 4; 1993 Act No. 181, Section 1379; 1996 Act No. 459, Section 160.

**SECTION 56-3-1974.** Penalty for unaccounted or unforwarded tickets; jurisdiction over tickets.

A person who wilfully and intentionally violates the provisions of Section 56-3-1973 is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned not more than six months, or both, for each ticket unaccounted for or for each failure to timely forward the issuing agency's copy or department's record copy or audit copy of a ticket.

If the failure to account for a ticket or the failure to timely forward the issuing agency's copy or the department's record or audit copy of the ticket is inadvertent or unintentional, the misuse is triable in magistrate's court and, upon conviction, the person must be fined not more than one hundred dollars.

The service of the uniform parking violations ticket vests all traffic, recorder's, and magistrate's courts with jurisdiction to hear and dispose of the charge for which the ticket was issued and served.

HISTORY: 1992 Act No. 421, Section 4; 1993 Act No. 181, Section 1380; 1996 Act No. 459, Section 161.

**SECTION 56-3-1975.** Identification of handicapped parking spaces; access aisles.

Each handicapped parking place must be clearly identified as a handicapped parking place. The handicapped parking place includes all access aisles. If the handicapped parking place is on public property, the marker must be maintained by the political subdivision having jurisdiction over the public property or the street or highway where the handicapped parking place is located.

If the handicapped parking place is on private property, the marker must be maintained by the owner of the property.

HISTORY: 1988 Act No. 429, Section 2; 2009 Act No. 24, Section 7, eff six months after approval (approved June 2, 2009).

ARTICLE 19  
Special License Plates; Special Personalized Plates

**SECTION 56-3-2010.** Special and personalized license plates; International Symbol of Access decals.

(A) The Department of Motor Vehicles shall provide, upon proper application being made, special personalized motor vehicle license plates to the owner of a private passenger motor vehicle and motorcycles. The personalized plates must be of the design and bear the letters and numerals the department prescribes. However, there may be no duplication of registration plates, except South Carolina members of the United States Congress or members of the South Carolina General Assembly may purchase a maximum of the original and two duplicate registration plates. The department, in its discretion, may refuse the issue of letter combinations which may carry connotations offensive to good taste and decency and may not assign to a person not holding the relevant office letters or numerals denoting the holder to have a public office.

(B) Private passenger motor vehicles must be assigned a biennial registration which expires on a staggered monthly basis. Where a current vehicle license plate currently is displayed, the owner of the vehicle may make application for personalized license plates two months in advance of the current registration expiration. A sticker reflecting the month of expiration of registration must be issued and affixed in the space provided on the license plate assigned to the vehicle. A personalized license plate issued to a motorcycle must be assigned a biennial registration which expires on a staggered monthly basis. Every personalized license plate issued to members of the General Assembly and members of licensed state or federal commissions and boards expires on January thirty-first each year. Every vehicle registration must be renewed biennially upon application by the owner and by payment of the fee required by law to take effect the first day of the month following the expiration of the registration to be renewed.

(C) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56-3-1910, then the license plate issued pursuant to this section also shall include a decal with the International Symbol of Access used on license plates issued pursuant to Section 56-3-1910. The decal only can be used if space is available to place the decal on the license plate without covering any identifying numbers or letters on the license plate.

HISTORY: 1962 Code Section 46-95.51; 1971 (57) 224; 1977 Act No. 219 Pt II Section 15; 1987 Act No. 170, Part II, Section 43A; 1993 Act No. 164, Part II, Section 22DD; 1993 Act No. 181, Section 1381; 1996 Act No. 459, Section 162; 2008 Act No. 353, Section 2, Pt 13F.1, eff July 1, 2008; 2009 Act No. 24, Section 5, eff six months after approval (approved June 2, 2009).

**SECTION 56-3-2020.** Amount and disposition of fee.

The fee for the issue of special personalized motor vehicle license plates is thirty dollars biennially in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3

of this title. This revenue must be deposited to the state general fund. The fee is due and payable upon application. The Department of Motor Vehicles may not refund the fee if the personalized plate has been manufactured.

HISTORY: 1962 Code Section 46-95.52; 1971 (57) 224; 1976 Act No. 738 Section 2; 1987 Act No. 170, Part II, Section 43B; 1993 Act No. 164, Part II, Section 22EE; 1993 Act No. 181, Section 1382.

**SECTION 56-3-2030.** Special personalized plates may not be issued to certain applicants.

Special personalized plates may not be issued to any applicant whose operator's or chauffeur's license has been suspended or revoked within two years from the date of application or to any applicant whose driving record indicates a disregard of traffic violations or unsafe driving practices within two years from the date of application.

HISTORY: 1962 Code Section 46-95.53; 1971 (57) 224; 1987 Act No. 170, Part II, Section 43C; 1996 Act No. 459, Section 163.

## ARTICLE 20

### Special License Plates; Members of Foreign Consulates

**SECTION 56-3-2060.** Special license plates authorized for members of foreign consulates; fee.

The Department of Motor Vehicles may issue special motor vehicle license plates to members of foreign consulates for private motor vehicles registered in their respective names. The annual fee for such special license plates shall be the same as the fee provided for in Section 56-3-2020 of the 1976 Code, as last amended and only one such plate shall be issued to any person.

HISTORY: 1977 Act No. 72 Section 1; 1993 Act No. 181, Section 1383.

**SECTION 56-3-2070.** Design of plates; duration.

The special license plates shall be of the same size and general design of regular motor vehicle license plates, upon which shall be imprinted "Foreign Consul" together with such numbers as the Department of Motor Vehicles may determine. Such plates shall be issued or revalidated annually for the regular registration and licensing year.

HISTORY: 1977 Act No. 72 Section 2.

**SECTION 56-3-2080.** Transfer to another vehicle of same owner; display on unauthorized car; return on cessation of membership of consulate.

Such license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor and approved by the Department of Motor Vehicles. It shall be unlawful for any person to whom such a plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the Department. If a holder of such a plate shall cease to be a member of a foreign consulate he shall immediately return such plate to the Department.

HISTORY: 1977 Act No. 72 Section 3.

**SECTION 56-3-2090.** Cumulative effect of article; penalties.

The provisions of this article shall not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but shall be cumulative thereto. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or thirty days' imprisonment, or both.

HISTORY: 1977 Act No. 72 Section 4.

## ARTICLE 21

### Special License Plates; Transportation of House Trailers

**SECTION 56-3-2110.** Carriers transporting house trailers may purchase special license plates.

Any common carrier engaged in the transportation of house trailers by the haulaway method and which has registered according to the laws of this State with the Public Service Commission, whether engaged in interstate or intrastate operations, or both, may purchase license plates for the transportation of house trailers.

HISTORY: 1962 Code Section 46-96; 1958 (50) 1927.

**SECTION 56-3-2120.** Fees.

The carrier shall pay twelve dollars and fifty cents for the first such license plate and six dollars each for additional plates and the highway safety fee authorized by Section 56-3-810.

HISTORY: 1962 Code Section 46-96.1; 1958 (50) 1927.

Editor's Note

Section 56-3-810, which authorized a highway safety fee, was repealed by 1980 Act No. 506, Section 13, effective October 1, 1980.

**SECTION 56-3-2130.** Display, transferability, and use.

The plate shall be displayed on the rear end of the house trailer being towed and be transferable from one house trailer to another, but shall be used only on a house trailer that is in the custody of the common carrier. The Department of Motor Vehicles shall have a special plate made for this purpose or it may authorize the use of dealers' plates in lieu thereof.

HISTORY: 1962 Code Section 46-96.2; 1958 (50) 1927.

**SECTION 56-3-2140.** Reciprocal recognition of plates from other states.

The Department of Motor Vehicles shall honor similar plates from other states, if such states honor the South Carolina plates for house trailers authorized by this article.

HISTORY: 1962 Code Section 46-96.3; 1958 (50) 1927.

## ARTICLE 22

### Special License Plates: Former Members of the South Carolina Delegation of the United States Congress, Retired Judicial Officers, Members of Municipal and County Councils, Coroners, Mayors, and Members of the General Assembly Receiving Retirement Benefits

#### **SECTION 56-3-2150.** Issuance of special plates; fees.

The Department of Motor Vehicles may issue special motor vehicle license plates to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, members of municipal and county councils, county coroners, and mayors of this State for private passenger motor vehicles owned by them. The department also may issue special motor vehicle license plates to former members of the General Assembly who are eligible to receive retirement benefits under the General Assembly Retirement System for private passenger motor vehicles and vehicles classified as private passenger motor vehicles in Section 56-3-630 owned by them. The biennial fee for these special license plates is the same as the fee provided in Section 56-3-2020, and only one plate may be issued to former members of the South Carolina Delegation of the United States Congress, retired judicial officers elected by the General Assembly or confirmed by the United States Senate, respectively, a councilman, a mayor, or a member of the General Assembly who is receiving retirement benefits. A coroner may be issued two license plates. These license plates must be issued or revalidated biennially for the regular registration and licensing period.

HISTORY: 1987 Act No. 170, Part II, Section 44; 1990 Act No. 591, Section 2; 1993 Act No. 164, Part II, Section 22FF; 1993 Act No. 181, Section 1384; 1996 Act No. 459, Section 164; 2002 Act No. 349, Section 2; 2008 Act No. 177, Section 1, eff upon approval (became law without the Governor's signature on February 7, 2008); 2012 Act No. 272, Section 15, eff December 26, 2012.

#### **SECTION 56-3-2160.** Design and size of plates; biennial validation.

The special plates must be of the same size as regular motor vehicle license plates, but must be of a distinctive design and bear letters and numerals the Department of Motor Vehicles prescribes. The plates must be issued or revalidated biennially for the regular registration and licensing period.

HISTORY: 1987 Act No. 170, Part II, Section 44; 1993 Act No. 164, Part II, Section 22GG; 2002 Act No. 349, Section 2; 2008 Act No. 177, Section 1, eff upon approval (became law without the Governor's signature on February 7, 2008).

#### **SECTION 56-3-2170.** Transfer and return of plates.

The license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made to and approved by the Department of Motor Vehicles. It is unlawful for a person to whom this plate has been issued to knowingly permit it to be displayed on a vehicle except the one authorized by the department. If a holder of this plate ceases to be a member of the municipal or county council or ceases to be county coroner, or mayor he immediately shall return the plate to the department.

HISTORY: 1987 Act No. 170, Part II, Section 44; 1990 Act No. 591, Section 3; 2008 Act No. 177, Section 1, eff upon approval (became law without the Governor's signature on February 7, 2008).

**SECTION 56-3-2180.** Other registration and licensing provisions unaffected; penalties for violations.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to them. A person violating the provisions of this article or a person who fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, conceals a material fact, or otherwise commits a fraud in any application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days.

HISTORY: 1987 Act No. 170, Part II, Section 44; 2008 Act No. 177, Section 1, eff upon approval (became law without the Governor's signature on February 7, 2008).

## ARTICLE 23

### Special License Plates; Antique Motor Vehicles and Motorcycles

**SECTION 56-3-2210.** Department of Motor Vehicles may classify certain motor vehicles as antique.

Every motor vehicle as herein defined which is over twenty-five years old, is owned solely as a collector's item and is used for participation in club activities, exhibits, tours, parades, and similar uses, but in no event used for general transportation, may be classified by the Department of Motor Vehicles as an antique motor vehicle.

HISTORY: 1962 Code Section 46-100.11; 1966 (54) 2389; 1993 Act No. 181, Section 1385; 2003 Act No. 52, Section 4.

**SECTION 56-3-2220.** Issuance of special license plates for antique motor vehicles authorized; duration; fee.

Upon receipt of an application on a form prescribed by the Department of Motor Vehicles, it may issue appropriate designated license plates to owners of antique motor vehicles. Such license plate shall be valid so long as title to such vehicle is vested in the applicant. The fee for the certificate of registration and license plate of any such vehicle shall be ten dollars.

HISTORY: 1962 Code Section 46-100.12; 1966 (54) 2389.

**SECTION 56-3-2230.** Department of Motor Vehicles may classify certain motorcycles as antique.

(a) Every motorcycle over twenty-five years old, which is owned solely as a collector's item and is used for participation in club activities, exhibits, tours, parades and similar uses, but is not used for general transportation, may be classified by the Department of Motor Vehicles as an antique motorcycle.

(b) Upon receipt of an application on a form prescribed by the Department, it may issue appropriately designated license plates to owners of antique motorcycles. An antique motorcycle license plate shall be valid as long as title to the motorcycle is vested in the applicant. The fee for the certificate of registration and license plate of any such motorcycle shall be ten dollars.

HISTORY: 1976 Act No. 565 Sections 1, 2; 1993 Act No. 181, Section 1386.

## ARTICLE 24 Sample License Plates

**SECTION 56-3-2250.** Sample and souvenir license plates; application for personalized special organizational souvenir license plate; penalties.

(A) The Department of Motor Vehicles may provide, upon request, a sample motor vehicle license plate. The license plate shall be of the same size and general design of regular motor vehicle license plates. The fee for issuance of such license plate shall be ten dollars. The department may retain the ten dollar fee to recoup its cost for producing the license plate.

(B)(1) The department is authorized to produce, upon request, souvenir license plates for any special organizational license plate produced pursuant to Section 56-3-8000 or Section 56-3-8100 or any other special organizational license plate authorized by law. In order for a special organizational license plate to be available as a souvenir license plate, the sponsoring organization, if there is one, must agree to make the license plate available as a souvenir license plate.

(2) The fee for the special organizational souvenir license plate is twenty dollars. Ten dollars of this fee shall be retained by the department as specified in subsection (A), and the additional ten dollars shall be distributed to the sponsoring organization.

(C) The department shall determine the method to designate the sample and souvenir license plates described in this section.

(D)(1) An individual may apply for a personalized special organizational souvenir license plate with a license plate text to be selected by the applicant in a letter and numeral plate text format the department prescribes. The department, in its discretion, may refuse the issuance of letter or number combinations which may carry connotations offensive to good taste and decency.

(2) In order for a special organizational license plate to be available as a personalized souvenir license plate, the sponsoring organization, if there is one, must agree to make the license plate available as a souvenir license plate.

(3) The fee for the license plate contained in this subsection is thirty dollars. Twenty dollars of this fee shall be retained by the department to defray the expenses of the department. Ten dollars of this fee shall be distributed to the organization described in subsection (B).

(E) These sample or souvenir license plates may be displayed only on the front of private passenger motor vehicles as defined in Section 56-3-630 or as otherwise allowed by law in the owner's home state and shall not be displayed on the back of any vehicle registered or required to be registered in this State or as otherwise allowed by law in the owner's home state.

(F) Any person displaying a license plate in violation of 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 for each violation.

HISTORY: 1976 Act No. 738 Section 1; 1993 Act No. 181, Section 1387; 2016 Act No. 186 (H.3927), Section 2, eff May 25, 2017.

## ARTICLE 25

### Motor Vehicle Dealers' Licenses; Demonstration Plates

**SECTION 56-3-2320.** Dealer and wholesaler license plates; restrictions on use.

(A)(1) Upon application being made and the required fee being paid to the Department of Motor Vehicles, the department may issue dealer license plates to a licensed motor vehicle dealer. The license plates, notwithstanding other provisions of this chapter to the contrary, may be used exclusively on motor vehicles owned by, assigned, or loaned for test driving purposes to the dealer when operated on the highways of this State by the dealer, its corporate officers, its employees, a prospective purchaser of the motor vehicle, or a person whose vehicle is being serviced or repaired by the dealer. The use by a prospective purchaser is limited to seven days, and the dealer shall provide the prospective purchaser with a dated demonstration certificate. A dealer license plate may be used by a person whose vehicle is being serviced or repaired by the dealership, provided that the vehicle displaying the license plate is part of a manufacturer program and given to the person by the dealer at no charge to the consumer. The use of a dealer license plate by the consumer for service and repair is limited to thirty days. The demonstration certificate for a prospective customer must be approved by the department. Dealer plates must not be used to operate wreckers or service vehicles in use by the dealer nor to operate vehicles owned by the dealer that are leased or rented by the public. No dealer plates may be issued by the department unless the dealer furnishes proof in a form acceptable to the department that he has a retail business license as required by Chapter 36, Title 12 and has made at least twenty sales of motor vehicles in the twelve months preceding his application for a dealer plate. The sales requirement may be waived by the department if the dealer has been licensed for less than one year. For purposes of this section, the transfer of ownership of a motor vehicle between the same individual or corporation more than one time is considered as only one sale. Multiple transfer of motor vehicles between licensed dealers for the purpose of meeting eligibility requirements for motor vehicle dealer plates is prohibited.

(2) A dealer may be issued two plates for the first fifteen vehicles sold during the preceding year and one additional plate for each fifteen vehicles sold beyond the initial twenty during the preceding year. A dealer participating in a manufacturer program may be issued two additional plates for each fifteen vehicles sold beyond the initial twenty during the preceding year. For good cause shown, the department in its discretion may issue extra plates. If the dealer has been licensed less than one year, the department shall issue a number of license plates based on an estimated number of sales for the coming year. The department may increase or decrease the number of plates issued based on actual sales made.

(3) The cost of each dealer plate issued is twenty dollars.

(4) Upon application to the department, a public or private school, college, or university, the United Service Organization South Carolina, the American Red Cross, or an economic development entity created or sanctioned by the county where the entity is located, may be issued a license plate to be used on vehicles loaned or rented to the school, college, university, the United Service Organization South Carolina, the American Red Cross, or economic development entity by a licensed motor vehicle dealer. The plate must be a personalized plate designed by the department. The cost of each plate issued is two hundred dollars, of which one

hundred sixty dollars must be remitted by the department to the county in which the school, college, university, chapter of the United Service Organization South Carolina, chapter of the American Red Cross, or economic development entity is located. Each plate is valid for two years, and there is no limit on the number of plates which may be issued, except in the case of an economic development entity where only one plate per entity is allowed.

(5) A dealer license plate is allowed on a motor vehicle which the dealer lends to a public or private school for use in a driver education program. A plate used for this purpose may be obtained without fee and without regard to the limit on plates issued pursuant to this section. When the motor vehicle is no longer used for driver education, the dealer shall surrender the plate to the department.

(6) Notwithstanding the provisions of this section, a dealer exclusively selling heavy duty trucks at retail is eligible to obtain license plates for exclusive use on the heavy duty trucks regardless of the number of trucks sold by him during the preceding required number of months. These license plates for trucks must be noted with a distinct and separate identification and used only on heavy duty trucks. For purposes of this section, heavy duty trucks include trucks having a gross vehicle weight of sixteen thousand pounds or greater.

(B) For purposes of this section, the testing or demonstration of a heavy duty truck with a GVW of 16,000 pounds or over as defined in Section 56-3-20(10) includes permitting a prospective buyer to use the truck for carrying merchandise or cargo for not more than three days upon the dealer providing the buyer with a special demonstration certificate for this purpose. The form and content of the demonstration certificate must be as prescribed by the department which also shall provide certificates to dealers upon their request. The original certificate must be kept by the buyer in the cab of the truck during the three-day demonstration period, and the dealer shall retain a copy of the certificate and mail a copy of the certificate to the department within twenty-four hours after it is issued to the buyer.

HISTORY: 1962 Code Section 46-93; 1952 Code Section 46-93; 1949 (46) 342; 1959 (51) 419; 1980 Act No. 396; 1983 Act No. 118 Section 3; 1991 Act No. 91, Section 1992 Act No. 498, Section 2; 1993 Act No. 181, Section 1388; 1993 Act No. 164, Part II, Section 105B; 1994 Act No. 423, Section 4; 1994 Act No. 497, Part II, Section 37A; 1994 Act No. 497, Part II, Section 121J; 1996 Act No. 459, Sections 1, 165; 2012 Act No. 253, Section 2, eff June 18, 2012; 2017 Act No. 57 (S.488), Section 1, eff May 19, 2017.

Effect of Amendment

2017 Act No. 57, Section 1, redesignated (A) as (A)(1) and added paragraph identifiers to the subsequent unidentified paragraphs; amended (A)(1), providing that dealer license plates may be used by a person whose vehicle is being serviced or repaired by the dealership; and amended (A) (2), providing that a dealer may be issued two plates for the first fifteen vehicles sold during the preceding year and that a dealer participating in a manufacturer program may be issued two additional plates for each fifteen vehicles sold beyond the initial twenty during the preceding year.

**SECTION 56-3-2325.** Fine and forfeiture for misuse of dealer plates.

A person who misuses a dealer license plate issued pursuant to this article must be fined three hundred dollars or forfeit the dealer license plate, or both.

HISTORY: 1993 Act No. 164, Part II, Section 105A.

**SECTION 56-3-2330.** Manufacturer license plates.

(A) Upon application and payment of the required fee, the Department of Motor Vehicles may issue not more than five hundred manufacturer license plates to a motor vehicle manufacturer. The license plates must be used exclusively on motor vehicles, including motorcycles, owned or in the possession of a manufacturer. Manufacturer license plates must not be used to operate wreckers in use by the manufacturer nor to operate vehicles leased or rented to the public by the manufacturer.

(B) A motor vehicle manufacturer shall apply for manufacturer license plates on a form prescribed by the department and shall provide proof the applicant is a bona fide motor vehicle manufacturer. The cost of each manufacturer plate issued is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the principal facility of the manufacturer is located. Forty dollars of the fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. Each plate is valid for two years.

(C) Vehicles with manufacturer plates, not to exceed one licensed vehicle for each household, may be operated by persons authorized by the manufacturer on vehicles of that manufacturer's brand on state streets and highways for testing, distribution, evaluation, and promotion of vehicles. Vehicles with manufacturer plates may be used no more than twenty consecutive days in connection with civic events and sporting events.

(D) A manufacturer who violates the provisions regarding use of motor vehicles is subject to the imposition of any administrative penalty permitted by law.

(E) For the purpose of this section only, "motor vehicle manufacturer" is defined as a person in the business of manufacturing or assembling new and unused vehicles in this State.

HISTORY: 1994 Act No. 497, Section 70A; 2006 Act No. 261, Section 1, eff April 8, 2006; 2010 Act No. 188, Section 1, eff May 28, 2010; 2016 Act No. 275 (S.1258), Section 33, eff July 1, 2016.

**SECTION 56-3-2332.** Issuance of standard license plate to manufacturer for vehicles used in employee benefit program or for testing and promotional purposes; registration fee.

(A) Upon application and payment of the required fee, the Department of Motor Vehicles may issue a standard license plate to a manufacturer for vehicles it has manufactured and which are used in a benefit program for the manufacturer's employees or used by the manufacturer for testing, distribution, evaluation, and promotion.

(B) The annual registration fee provided for by this section is derived by computing the average price of the vehicle manufacturer's fleet times the property tax rates times the average millage for all purposes statewide for the preceding calendar year.

(C) The plates issued in connection with an employee benefit program may be used only on vehicles provided for the applicant's employees. In the application, the manufacturer shall notify the department in which county the employee assigned the vehicle resides. Twenty dollars of the fee must be credited to the general fund of the State and the remainder must be remitted to the county noted on the application. Amounts received by a county pursuant to this subsection must be credited to the accounts of taxing entities in the county as if it were a county property tax and are instead of state sales or use taxes. If the employee resides outside this State, the fee must be credited to the general fund of the State.

(D) The plates issued in connection with testing, distribution, evaluation, and promotion, not to exceed fifty plates, may be used only for those purposes. Twenty dollars of the fee must be credited to the general fund of the State and the remainder must be remitted to the county in which the principal facility of the manufacturer is located. Amounts received by a county pursuant to this subsection must be credited to the accounts of taxing entities in the county as if it were a county property tax and are instead of state sales or use taxes. The department may require the documentation it determines necessary to ensure compliance with the provisions of this subsection.

(E) Before December thirty-first of each odd-numbered year, the manufacturer shall review the average price of its fleet and submit the cost to the Department of Revenue. The Department of Revenue shall determine the annual registration fee pursuant to subsection (B) and then notify the Department of Motor Vehicles of the adjusted fee amount, which is effective for the next two years.

HISTORY: 1997 Act No. 155, Part II, Section 32C; 2000 Act No. 278, Section 1; 2000 Act No. 387, Part II, Section 20A; 2016 Act No. 214 (S.1111), Section 1, eff June 3, 2016.

Editor's Note

2016 Act No. 214, Section 2, provides as follows:

“SECTION 2. Notwithstanding Section 56-3-2332(B), for 2017 and 2018, the annual registration fee for license plates issued pursuant to Section 56-3-2332 is seven hundred eighty-nine dollars.”

**SECTION 56-3-2335. Research and development license plates.**

(A) As used in this section:

(1) “Research and development business” or “business” means a person who manufactures tires or transmissions in this State for use as original or replacement equipment on motor vehicles and who conducts research and development activities on tires or transmissions in conjunction with the person’s manufacturing activities in South Carolina.

(2) “Contracted fleet owner” or “contractor” means a person or company in the business of operating a group of vehicles driven by their employees for the purpose of testing and evaluating the performance of a research and development business’ tires or transmissions.

(3) “Tires” includes tires and tire replacement parts.

(4) “Transmissions” includes transmissions and transmission parts.

(B)(1) Upon application and payment of the required fee, the Department of Motor Vehicles may issue research and development license plates to a research and development business. The license plates must be used exclusively on motor vehicles, including motorcycles, provided by a motor vehicle manufacturer to the research and development business for the purpose of testing and evaluating the performance of the research and development business’ tires or transmissions on the motor vehicle.

(2) Application for research and development license plates must be made by the research and development business on a form prescribed by the department and submitted with proof of the applicant’s status as a bona fide research and development business. The cost of each research and development license plate issued is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the testing facility of the business is located. Forty dollars of the fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section

11-43-167. Each plate is valid for two years. A maximum of one hundred research and development license plates may be issued for the two-year period.

(C)(1) Upon application and payment of the required fee, the Department of Motor Vehicles may issue fleet research and development plates to a research and development business or to a contracted fleet owner. The license plates will be registered to a specific vehicle owned by the research and development business, or owned by a contracted fleet owner under contract with the research and development business.

(2) Application for fleet research and development license plates must be made by the contractor on a form prescribed by the department and submitted with certification from the research and development business establishing the applicant's status as a bona fide contracted fleet owner under contract with the research and development business. The cost of each fleet research and development license plate is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the vehicle is sited, as evidenced by the address on the registration card. Each plate is valid for two years. A maximum of one hundred fleet research and development license plates may be issued to a contracted fleet owner for the two-year period.

(D) Vehicles with research and development plates or fleet research and development plates may be operated on the state's streets and highways or another state's streets and highways pursuant to a reciprocity agreement with that state. The vehicles may be operated pursuant to this section only for the purpose of testing and evaluating the performance of the research and development business' tires or transmissions on the motor vehicle.

(E) The Department of Motor Vehicles may enter into reciprocal agreements with other states concerning the registration and operation of vehicles owned by a research and development business, provided to the research and development business by a contractor under contract with the research and development business, or provided by a motor vehicle manufacturer to the research and development business for the purpose of testing and evaluating the performance of the research and development business' tires or transmissions.

(F) It is the sole responsibility of the research and development business, or contracted fleet owner, to take any other actions required by another state that are necessary for the research and development business, or contracted fleet owner, to legally test and evaluate the performance of the research and development business' tires or transmissions in that state. The research and development business must comply with any other requirements associated with the operation of the vehicle on the other state's roads and highways.

HISTORY: 1994 Act No. 497, Part II, Section 84A; 2011 Act No. 15, Section 1, eff May 9, 2011; 2013 Act No. 51, Section 1, eff June 7, 2013; 2016 Act No. 275 (S.1258), Section 34, eff July 1, 2016.

**SECTION 56-3-2340.** Licensed motor vehicle dealers to issue first time registrations and license plates from dealership; certification of third-party providers; fees.

(A) The Department of Motor Vehicles or its designated agent may allow licensed motor vehicle dealers to issue first time motor vehicle registrations and license plates directly from the dealership. A dealership shall apply to the department upon forms approved and provided by the department. The department may request information necessary to ensure the integrity of the current licensing system. The department may allow or refuse a dealership the right to issue motor vehicle registrations or license plates based upon criteria established by the department. If

a dealership previously is denied the privilege to issue registrations and license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates. If in the opinion of the department a bond is necessary to ensure the payment of fees associated with the registering and licensing of a vehicle, the department may require a bond not to exceed the estimated value of new license plates and validation stickers held by the dealership or the department's designated agent.

(B) The department may certify third-party providers to process titles, temporary license plates as provided in Section 56-3-210, license plates, and vehicle registration transactions on behalf of the department. The department shall develop program standards and specifications that would be required for certification. Third parties requesting certification must agree to the program terms, conditions, standards, and specifications in order to participate.

(C) The department is authorized to collect a transaction fee from entities who either transmit or retrieve data from the department pursuant to this section. The fee must not exceed the fee authorized in Section 56-19-265(B) for each transaction. These fees must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1994 Act No. 497, Part II, Section 121B; 1996 Act No. 459, Section 166; 2014 Act No. 201 (H.3904), Section 1, eff June 2, 2014; 2016 Act No. 275 (S.1258), Section 35, eff July 1, 2016.

**SECTION 56-3-2345. Antique dealer license plates.**

(A) Upon application being made and the required fee being paid to the Department of Motor Vehicles, the department may issue antique dealer license plates to a licensed motor vehicle dealer. The license plates, notwithstanding other provisions of this chapter to the contrary, may be used exclusively on antique motor vehicles owned by, assigned, or loaned for test driving purposes to the dealer when operated on the highways of this State by the dealer, its corporate officers, its employees, or a prospective purchaser of the antique motor vehicle. The use by a prospective purchaser is limited to seven days, and the dealer shall provide the prospective purchaser with a dated demonstration certificate. The certificate must be approved by the department. Antique dealer plates must not be used to operate wreckers or service vehicles in use by the dealer nor to operate vehicles owned by the dealer that are leased or rented by the public. No antique dealer plates may be issued by the department unless the dealer furnishes proof in a form acceptable to the department that he has a retail business license as required by Chapter 36 of Title 12 and has made at least five sales of antique motor vehicles in the twelve months preceding his application for a dealer plate. The sales requirement may be waived by the department if the dealer has been licensed for less than one year. For purposes of this section, the transfer of ownership of an antique motor vehicle between the same individual or corporation more than one time is considered as only one sale. Multiple transfer of antique motor vehicles between licensed dealers for the purpose of meeting eligibility requirements for antique motor vehicle dealer plates is prohibited.

(B) For good cause shown, the department may issue extra plates. If a dealer has been licensed less than one year, the department shall issue a number of license plates based on an estimated number of sales for the coming year. The department may increase or decrease the number of plates issued based on actual sales made.

(C) The cost of each plate is twenty dollars.

(D) For purposes of this section, “antique motor vehicle” means a motor vehicle which is over thirty years old.

HISTORY: 1996 Act No. 385, Section 1.

ARTICLE 26  
Special Motor Vehicle Registration

**SECTION 56-3-2350.** Application for special registration for business of facilitating movement of vehicles from manufacturer to dealer or distributor, or movement for further construction of cabs or bodies, or for foreclosure or repossession of such motor vehicles; fees.

A person engaged in the business of limited operation of motor vehicles to facilitate the movement of vehicles from a manufacturer to a dealer or distributor, or from a railroad terminal yard to a temporary storage facility prior to delivery to a dealer, or for the movement of vehicles to further the construction of cabs or bodies, or in connection with the foreclosure or repossession of these motor vehicles may apply to the Department of Motor Vehicles for special registration to be issued to and used by the person upon the following conditions:

(1) The application must be in a form prescribed by the department to include the applicable liability insurance as prescribed by statute and filed with the department each year. The application must include the name and residence address of the applicant as follows:

(a) if an individual, the name under which he intends to conduct business;

(b) if a partnership, the name and residence address of each member of the partnership and the name under which the business is to be conducted;

(c) if a corporation, the name and company address of the corporation and the name and residence address of each of its officers.

(2) The application must be certified by the applicant and by an agent of the department to verify the facts set forth in the application.

(3) The annual fee for registration is fifty dollars, plus an annual fee of ten dollars for each license plate.

(4) License plates authorized by this section must not be used on vehicles that are loaned, rented, or leased by the licensed transporter to employees or any other individuals.

HISTORY: 1982 Act No. 371, Section 2; 1993 Act No. 164, Part II, Section 105C; 1994 Act No. 497, Part II, Section 37B; 1997 Act No. 155, Part II, Section 32A; 2004 Act No. 288, Section 2.

**SECTION 56-3-2360.** Notice of change of address; cancellation of registration and license plates.

Registrants licensed under this article shall notify the Department of Motor Vehicles of any change of address of his principal place of business within thirty days after such change is made, and the Department may cancel the registration and all license plates issued upon failure to give such notice.

HISTORY: 1982 Act No. 371, Section 2.

**SECTION 56-3-2370.** Transfer of transporter license plates.

Transporter license plates issued under this article may be transferred from vehicle to vehicle, but shall be used only for the limited operation of vehicles in connection with the manufacture or construction of cabs or bodies or with the foreclosure or repossession of vehicles owned or controlled by the registrant.

HISTORY: 1982 Act No. 371, Section 2.

**SECTION 56-3-2380.** Denial of application; suspension or revocation of registration; refusal to renew registration.

The Department of Motor Vehicles may deny the application of any person for registration under this article and may suspend or revoke a registration or refuse to issue a renewal thereof if it is determined that the applicant or registrant has:

- (a) Made a material misrepresentation in his application;
- (b) Used or permitted the use of plates contrary to law;
- (c) Been found guilty of fraud or fraudulent practices;
- (d) Failed to comply with any of the regulations of the department for the enforcement of this article.

HISTORY: 1982 Act No. 371, Section 2; 1996 Act No. 459, Section 167.

## ARTICLE 27 Enforcement; Records and Reports

**SECTION 56-3-2420.** Powers of State Highway Patrol.

Commissioned and uniformed personnel of the South Carolina Highway Patrol when on duty may:

- (1) Upon reasonable belief that any vehicle is being operated in violation of any provision of this chapter require the driver thereof to stop and exhibit the registration card issued for the vehicle and submit to an inspection of such vehicle and the license plates;
- (2) Inspect any vehicle of a type required to be registered and licensed hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the ownership and registration and license thereof; and
- (3) Investigate reported thefts of vehicles.

HISTORY: 1962 Code Section 46-112; 1952 Code Section 46-112; 1949 (46) 342.

**SECTION 56-3-2430.** Authority to administer oaths and acknowledge signatures.

Officers and employees of the Department of Motor Vehicles engaged in the work of administering and enforcing the provisions of this chapter are, for the purpose of such work of administering and enforcing the provisions of this chapter, authorized to administer oaths and acknowledge signatures and shall do so without fee.

HISTORY: 1962 Code Section 46-116; 1952 Code Section 46-116; 1949 (46) 342.

**SECTION 56-3-2440.** Department of Motor Vehicles shall keep certain records.

The Department of Motor Vehicles shall keep such records of all transactions relating to the enforcement and administration of this chapter as the Department shall determine to be necessary and appropriate for fiscal, statistical and administrative purposes. Suitable and appropriate records of every vehicle registered shall be kept by the Department in cross-reference books or on cards, as follows:

- (1) Numerically, under the descriptive registration and license number assigned to the vehicle;
- (2) Alphabetically, under the name of the owner;
- (3) Numerically, under the motor or serial number, if available and otherwise under any other identifying number of the vehicle; and
- (4) In any other manner the Department may deem desirable.

HISTORY: 1962 Code Section 46-117; 1952 Code Section 46-117; 1949 (46) 342.

**SECTION 56-3-2450.** Certified copies of Department of Motor Vehicle records; use as evidence.

The Department of Motor Vehicles and such officers and employees of the Department as the Department may designate may prepare and deliver upon request a certified copy of any record of the Department relating to the registration and licensing of any vehicle, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

HISTORY: 1962 Code Section 46-118; 1952 Code Section 46-118; 1949 (46) 342.

**SECTION 56-3-2460.** Affidavit as to registration records of Department of Motor Vehicles as evidence of ownership.

In any case tried in any court of competent jurisdiction in this State in which the ownership of any motor vehicle is in issue an affidavit by a duly authorized officer or agent of the Department of Motor Vehicles showing what the registration records of the Department show or fail to show relative to the ownership of the motor vehicle in question shall be admissible in evidence on the sole issue of ownership of the motor vehicle.

HISTORY: 1962 Code Section 46-119; 1952 Code Section 46-119; 1949 (46) 342.

**SECTION 56-3-2470.** Publication of registration and license lists; obtaining copies of lists.

The Department of Motor Vehicles may compile and publish annually or at shorter intervals a list of all registered and licensed vehicles. The list shall show vehicles registered and licensed serially according to registration and license numbers and also may contain the names and addresses of the recorded owners and a brief description of each vehicle, including the serial or other identifying number. The Department may furnish without charge therefor a copy of the registration and license list and any supplements thereto to any police department in this State requesting it, and the Department may also sell copies of the list to any person requesting it upon payment to the Department of a uniform amount as determined by the Department.

HISTORY: 1962 Code Section 46-120; 1952 Code Section 46-120; 1949 (46) 342.

**SECTION 56-3-2480.** Destruction of obsolete records.

The Department of Motor Vehicles may destroy any records accumulated by it in connection with the administration of this chapter which have been maintained on file for three years or more and which may be deemed by the Department to be obsolete and of no further service in connection with the administration of this chapter or other use by the Department.

HISTORY: 1962 Code Section 46-121; 1952 Code Section 46-121; 1949 (46) 342.

**SECTION 56-3-2490.** Unlawful to conceal motor vehicle whose serial number has been altered or removed.

Whoever knowingly conceals any motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle shall be guilty of a misdemeanor.

HISTORY: 1962 Code Section 46-113; 1952 Code Section 46-113; 1949 (46) 342; 1957 (50) 595.

**SECTION 56-3-2510.** Department of Motor Vehicles may assign new identifying numbers; special plate or number affixed to vehicle.

The Department of Motor Vehicles may assign a distinguishing number to a motor vehicle whenever the motor or serial number thereon is destroyed, replaced or obliterated and may issue or assign to the owner a special plate or number which shall be affixed to the vehicle or stamped on the vehicle in a place to be determined by the Department. Such motor vehicle shall be registered and licensed under such distinguishing number in lieu of the former motor number or serial number.

HISTORY: 1962 Code Section 46-115; 1952 Code Section 46-115; 1949 (46) 342.

**SECTION 56-3-2520.** Penalties.

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. Unless another penalty is by the laws of this State provided every person convicted of a misdemeanor for violation of any provisions of this chapter shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-122; 1952 Code Section 46-122; 1949 (46) 342.

## ARTICLE 28

### Special License Plates; "Conserve South Carolina"

**SECTION 56-3-2540.** "Conserve South Carolina" license plates.

The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names which shall have imprinted on the plate "Conserve South Carolina" and which may have an emblem, a seal, logo, or other symbol of the South Carolina Conservation Bank. The South Carolina Conservation Bank shall submit to the department for its approval the emblem, seal, logo, or

other symbol it desires to be used for this special license plate. The South Carolina Conservation Bank may request a change in the emblem, seal, logo, or other symbol not more than once every five years. The fee for this special license plate is forty-eight dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

HISTORY: 2002 Act No. 200, Section 2(A); 2008 Act No. 347, Section 21, eff June 16, 2008.

Editor's Note

2012 Act No. 162, Section 1, provides as follows:

“SECTION 1. SECTION 7 of Act 200 of 2002 is amended to read:

“ ‘SECTION 7. Chapter 59, Title 48 of the 1976 Code and Sections 2 through 6 of this act are repealed effective July 1, 2018, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if Chapter 59, Title 49 of the 1976 Code was not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, 2021, whichever first occurs. Any balance in that trust fund on July 1, 2021, reverts to the general fund of the State. Repeal does not affect any rights, obligations, liabilities, or debts due the South Carolina Conservation Bank. For these purposes, after the bank's termination, the State Budget and Control Board is the bank's successor, except that, after the bank's termination, the board's voting rights provided in the former provisions of Section 48-59-80(F), (G), (H), and (I) of the 1976 Code are devolved upon the Department of Natural Resources Board, and any contribution to the trust fund required pursuant to the former provisions of Section 48-59-80(H) of the 1976 Code must be made to the Heritage Trust Program.’ “

**SECTION 56-3-2545.** Collection and disbursement of fees.

Of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering this special license plate. The remaining fees collected pursuant to this section must be credited to the South Carolina Conservation Bank Trust Fund established pursuant to Section 48-59-60 of the 1976 Code.

HISTORY: 2002 Act No. 200, Section 2(B).

Editor's Note

2012 Act No. 162, Section 1, provides as follows:

“SECTION 1. SECTION 7 of Act 200 of 2002 is amended to read:

“ ‘SECTION 7. Chapter 59, Title 48 of the 1976 Code and Sections 2 through 6 of this act are repealed effective July 1, 2018, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if Chapter 59, Title 49 of the 1976 Code was not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, 2021, whichever first occurs. Any balance in that trust fund on July 1, 2021, reverts to the general fund of the State. Repeal does not affect any rights, obligations, liabilities, or debts due the South Carolina Conservation Bank. For these purposes, after the bank's termination, the State Budget and Control Board is the bank's

successor, except that, after the bank's termination, the board's voting rights provided in the former provisions of Section 48-59-80(F), (G), (H), and (I) of the 1976 Code are devolved upon the Department of Natural Resources Board, and any contribution to the trust fund required pursuant to the former provisions of Section 48-59-80(H) of the 1976 Code must be made to the Heritage Trust Program.' "

**SECTION 56-3-2550.** Applicability of special license plates provisions.

The provisions of Section 56-3-8100 of the 1976 Code apply to the license plate authorized by this section.

HISTORY: 2002 Act No. 200, Section 2(C).

Editor's Note

2012 Act No. 162, Section 1, provides as follows:

"SECTION 1. SECTION 7 of Act 200 of 2002 is amended to read:

" 'SECTION 7. Chapter 59, Title 48 of the 1976 Code and Sections 2 through 6 of this act are repealed effective July 1, 2018, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if Chapter 59, Title 49 of the 1976 Code was not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, 2021, whichever first occurs. Any balance in that trust fund on July 1, 2021, reverts to the general fund of the State. Repeal does not affect any rights, obligations, liabilities, or debts due the South Carolina Conservation Bank. For these purposes, after the bank's termination, the State Budget and Control Board is the bank's successor, except that, after the bank's termination, the board's voting rights provided in the former provisions of Section 48-59-80(F), (G), (H), and (I) of the 1976 Code are devolved upon the Department of Natural Resources Board, and any contribution to the trust fund required pursuant to the former provisions of Section 48-59-80(H) of the 1976 Code must be made to the Heritage Trust Program.' "

ARTICLE 29

Temporary License Plates and Certificates of Registration of Motor Vehicles to be Registered and Licensed in Another State

**SECTION 56-3-2600.** Powers and duties of Department of Motor Vehicles; fees; application; issuance by dealers.

The Department of Motor Vehicles upon request and subject to the limitations and conditions hereinafter set forth shall provide temporary license plates and registration cards designed by the department to nonresidents of South Carolina and to licensed motor vehicle dealers who apply for such plates and cards. The fee for each set of license plates and registration cards shall be twenty dollars. Application therefor shall be made to the department on forms prescribed and furnished by the department. Dealers, subject to the limitations and conditions hereinafter set forth, may issue such temporary license plates to owners of vehicles which are to be permanently licensed in a state other than South Carolina.

HISTORY: 1982 Act No. 447; 1993 Act No. 181, Section 1389; 1999 Act No. 100, Part II, Section 61.

**SECTION 56-3-2610.** Records of dealer.

Every dealer shall maintain in permanent form a record of all temporary license plates delivered to him, and shall also maintain in permanent form a record of all temporary license plates issued by him. In addition, every dealer shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary license plates that the Department of Motor Vehicles may require. Each record shall be kept for a period of at least one year from the date of entry of such record.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2620.** Dealer issuing temporary registration certificate.

Every dealer who issues temporary license plates shall also issue a temporary registration certificate upon a form prescribed and furnished by the Department of Motor Vehicles and shall deliver it with the license plates to the owner. On the day that a dealer issues such plates, he shall also send to the Department a copy of the temporary registration certificate.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2630.** Restrictions on dealer issuing temporary plates and cards; misstatement of fact; false information.

A dealer shall issue temporary plates and cards solely for vehicles which are purchased from that dealer for licensing and registering in another state. No dealer shall issue temporary plates or cards for any other purpose or reason. It shall be unlawful for a dealer to issue any temporary plates or registration cards containing any misstatement of fact or to knowingly insert any false information upon the face thereof.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2640.** Information to be placed on temporary license plate.

Every dealer who issues temporary plates shall insert clearly and indelibly on the face of each temporary license plate the date of issuance, the date of expiration, the make, and the identification number of the vehicle for which issued and such other information as the Department of Motor Vehicles shall require.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2650.** Transfer, loan, or assignment of temporary license plate.

A temporary license plate shall be used only on the vehicle for which issued and shall not be transferred, loaned, or assigned to any other person or vehicle.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2660.** Duration of temporary license plate and registration certificate.

The temporary license plate and registration certificate are valid for twenty days from the date of issuance. However, temporary license plates and registration certificates for vehicles which

will be permanently licensed in a foreign jurisdiction are valid for thirty days from the date of issuance.

HISTORY: 1982 Act No. 447; 1999 Act No. 100, Part II, Section 61.

**SECTION 56-3-2675.** Motor vehicle manufacturers authorized to obtain and issue temporary license plates.

(A) As used in this section, “Motor Vehicle Manufacturer” means a person in the business of manufacturing or assembling new and unused vehicles in this State.

(B) A motor vehicle manufacturer may obtain and issue temporary license plates in the same manner and subject to the same requirements as a motor vehicle dealer.

HISTORY: 1999 Act No. 100, Part II, Section 61.

**SECTION 56-3-2680.** Penalties.

Any person violating the provisions of this article is guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1982 Act No. 447.

**SECTION 56-3-2690.** Applicability of other laws.

If temporary license plates and registration certificates are issued for a motor vehicle pursuant to this article, no other provisions of law of this State relating to temporary licensing and registration shall apply.

HISTORY: 1982 Act No. 447.

## ARTICLE 30

### Temporary License Plates and Certificates of Registration of Motor Vehicles Used Only for Corporate Research and Development

**SECTION 56-3-2710.** Temporary plates and registration certificates authorized for certain motor vehicles.

The Department of Motor Vehicles upon request and subject to the limitations and conditions set forth in this article shall provide temporary license plates and registration certificates to a corporation for motor vehicles used solely for research and development.

HISTORY: 1989 Act No. 143, Section 1; 1993 Act No. 181, Section 1390.

**SECTION 56-3-2720.** Fee; application.

The fee for each set of temporary license plates and registration certificates is ten dollars. Application for the plates and certificates must be made to the Department of Motor Vehicles on forms it prescribes and furnishes.

HISTORY: 1989 Act No. 143, Section 1.

**SECTION 56-3-2730.** Design of temporary plates and registration certificates.

The temporary license plates and registration certificates must be designed by the Department of Motor Vehicles. On the face of each plate must be imprinted the date of issuance, the date of expiration, the make and identification number of the vehicle, and other information the department requires.

HISTORY: 1989 Act No. 143, Section 1.

**SECTION 56-3-2740.** Temporary plates and registration certificates not to be transferred; term; renewal.

The temporary license plate and registration certificate may be used only for the vehicle for which it is issued and must not be transferred, loaned, or assigned to any other vehicle. They are valid for one hundred twenty days from the date of issuance, but they may be renewed by the Department of Motor Vehicles.

HISTORY: 1989 Act No. 143, Section 1.

**SECTION 56-3-2760.** Violations; penalties.

A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1989 Act No. 143, Section 1.

ARTICLE 31

Special License Plates for Volunteer Firemen

**SECTION 56-3-2810.** Issuance of special plates; cost; application.

The Department of Motor Vehicles shall issue special motor vehicle license plates to “volunteer firemen” who request them in the manner provided in this article and who are residents of the State for private passenger motor vehicles registered in their respective names. For the purposes of this article “volunteer firemen” means members of organized units providing fire protection without compensation being paid to the members of the units for the service provided and whose membership is certified to the municipal clerk or chairman of the council of the municipality or county in which their unit is based by the chief officer of the unit concerned. The cost of the special license plate as determined by the department must be paid biennially by the requesting volunteer fireman, and only one license plate may be issued to a volunteer fireman. The plate must be issued upon application in a manner and upon forms prescribed by the department and upon approval of the application by the department.

HISTORY: 1984 Act No. 512, Part II, Section 67; 1993 Act No. 164, Part II, Section 22HH; 1993 Act No. 181, Section 1391; 1996 Act No. 459, Section 168.

**SECTION 56-3-2820.** Plate specifications.

The special license plates must be of the same size and general design of regular motor vehicle license plates and imprinted with the words "Volunteer Fireman" with numbers the Department of Motor Vehicles may determine. The plates are for biennial periods as provided by law.

HISTORY: 1984 Act No. 512, Part II, Section 67; 1993 Act No. 164, Part II, Section 22II.

**SECTION 56-3-2830.** Transfer and return of plates.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor, in a manner and upon forms which must be prescribed by the Department of Motor Vehicles, and upon approval of the application by the Department. It is unlawful for any person to whom a plate has been issued pursuant to this article knowingly to permit it to be displayed on any vehicle except that one authorized by the Department. If a holder of the plate ceases to be a volunteer fireman he must immediately return the plate to the Department.

HISTORY: 1984 Act No. 512, Part II, Section 67.

**SECTION 56-3-2840.** Other registration and licensing provisions unaffected; penalties for violations.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative thereto. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact in any such application, or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or thirty days' imprisonment, or both.

HISTORY: 1984 Act No. 512, Part II, Section 67.

## ARTICLE 32

### Temporary License Plates and Registration Cards For Trailers and Semi-Trailers

**SECTION 56-3-2900.** Department of Motor Vehicles authorized to provide temporary license plates and registration cards for trailers and semi-trailers; fees; issuance by manufacturer.

Upon request the Department of Motor Vehicles shall provide temporary license plates and registration cards designed by the department to manufacturers in South Carolina who produce trailers or semi-trailers and who apply for these plates and cards. The fee for each set of license plates and registration cards is twenty dollars. Applications for these license plates and registration cards must be made to the department on forms prescribed and furnished by the department. The department shall issue temporary license plates and registration cards in blocks of up to one hundred per application. When a block of temporary license plates and registration cards is issued, the fee is equal to the number of sets of temporary license plates and registration cards in the block multiplied by twenty dollars. A manufacturer may issue a temporary license plate to a trailer or semi-trailer that is being moved from the manufacturer to the dealer's or purchaser's place of business.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2910.** Records to be kept by manufacturer.

Each manufacturer must maintain a permanent record of all temporary license plates and registration cards either delivered to it, issued by it, or both. In addition, each manufacturer shall maintain a permanent record of any other information pertaining to the receipt or the issuance of temporary license plates and registration cards that the Department of Motor Vehicles may require. Each record must be kept for a period of at least one year from the date of the latest entry on the record.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2920.** Issuance and delivery of registration cards by manufacturer.

A manufacturer who issues a temporary license plate shall also prepare a temporary registration card upon a form prescribed and furnished by the Department of Motor Vehicles and must deliver it with the temporary plate to the owner of the trailer or semi-trailer.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2930.** False information prohibited.

It is unlawful for a manufacturer to issue a temporary plate or registration card containing a misstatement of fact, to knowingly insert false information upon the face of it, or to intentionally leave blank any required information.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2940.** Information to appear on temporary license plate.

A manufacturer who issues temporary plates shall insert clearly and indelibly on the face of each temporary license plate the date of issuance, the date of expiration, the make, and the identification number of the trailer or semi-trailer for which it is issued and any other information the Department of Motor Vehicles requires.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2950.** Transfers prohibited.

A temporary license plate must be used only on the trailer or semi-trailer for which it is issued and must not be transferred, loaned, or assigned to any other trailer or semi-trailer.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2960.** Duration.

The temporary license plate and registration card is valid for thirty days from the date of issuance to the owner of the trailer or semi-trailer.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2970.** Violations; penalties; forfeit of license plates and registration cards; suspension of privilege to obtain.

(A) A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Each temporary license plate and registration card issued in violation of this article is a separate offense.

(B) Upon determining that a person has violated a provision of this article, the Department of Motor Vehicles may order any and all temporary plates and registration cards issued to the manufacturer be forfeited without refunding any fees, and may suspend or revoke the privilege of the manufacturer to obtain temporary plates.

HISTORY: 2000 Act No. 232, Section 1.

**SECTION 56-3-2980.** Applicability of other licensing provisions.

If temporary license plates and registration cards are issued for a trailer or semi-trailer pursuant to this article, no other provisions of law of this State relating to temporary licensing and registration shall apply.

HISTORY: 2000 Act No. 232, Section 1.

### ARTICLE 33

#### Special License Plates for Recipients of the Purple Heart

**SECTION 56-3-3310.** Recipient of the Purple Heart special license plates.

The department may issue no more than three permanent special motor vehicle license plates to a recipient of the Purple Heart for use on his private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in his name. There is no fee for the issuance of up to two license plates, and not more than three license plates may be issued to a person. The fee for the third plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars. The application for a special license plate must include proof the applicant is a recipient of the Purple Heart.

HISTORY: 1987 Act No. 138 Section 1; 1993 Act No. 164, Part II, Section 22JJ; 1993 Act No. 181, Section 1392; 1996 Act No. 459, Section 169; 1996 Act No. 422, Section 1; 2001 Act No. 17, Section 1; 2005 Act No. 53, Section 1, eff May 9, 2005; 2008 Act No. 297, Section 9, eff upon approval (became law without the Governor's signature on June 12, 2008); 2012 Act No. 272, Section 20, eff December 26, 2012.

**SECTION 56-3-3320.** Design of plate; handicapped eligibility.

(A) The special license plates must be of the same size as regular motor vehicle license plates, upon which must be imprinted on the left side of the plates the distinctive purple heart insignia with numbers and designs determined by the Department of Motor Vehicles.

(B) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56-3-1960(1), then the

license plate issued pursuant to this section shall also include the distinguishing symbol used on license plates issued pursuant to Section 56-3-1960(1). Until the department determines that the license plate shall be redesigned to include the symbol, the department shall develop a decal using a distinguishing symbol to be placed on the license plate which shall be issued to all persons who request the license plate authorized by this subsection, including persons for whom license plates were issued pursuant to this section on the effective date of this subsection.

HISTORY: 1987 Act No. 138 Section 1; 1993 Act No. 164, Part II, Section 22KK; 1996 Act No. 422, Section 2; 2000 Act No. 242, Section 2.

**SECTION 56-3-3330.** Transfer of plate to different vehicle without authorization prohibited.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the special plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the Department.

HISTORY: 1987 Act No. 138 Section 1.

**SECTION 56-3-3340.** Compliance with licensing and registration provisions required; penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to them. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits a fraud in any application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1987 Act No. 138 Section 1.

#### ARTICLE 34

##### National Wild Turkey Federation Special License Plates

**SECTION 56-3-3410.** National Wild Turkey Federation special license plates authorized.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to members of the National Wild Turkey Federation for private motor vehicles registered in their names. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the National Wild Turkey Federation.

HISTORY: 2001 Act No. 104, Section 7.

**SECTION 56-3-3420.** Prepaid applications required.

(A) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department shall retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(B) If the department receives fewer than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2001 Act No. 104, Section 7.

ARTICLE 35

Penn Center Special License Plates

**SECTION 56-3-3500.** "Penn Center" license plates; fee; special fund for Penn Center, Inc.

(A) The Department of Motor Vehicles may issue "Penn Center" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol of the Penn Center. Penn Center, Inc. shall submit to the department for its approval the emblem, seal, or other symbol it desires to be used for this special license plate. Penn Center, Inc. may request a change in the emblem, seal, or other symbol not more than once every five years. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to Penn Center, Inc., to support its activities.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not

collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 290, Section 1; 2008 Act No. 347, Section 22, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 36, eff July 1, 2016.

## ARTICLE 36

### South Carolina Nurses Special License Plates

**SECTION 56-3-3600.** South Carolina Nurses license plates; fee; special fund for South Carolina Nurses Foundation.

(A) The Department of Motor Vehicles may issue South Carolina Nurses special license plates to owners of private passenger-carrying motor vehicles registered in their names. The fee for each special license plate is forty-six dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Nurses Foundation to endow scholarships for all of the state's registered nursing programs.

(C) Before the department produces and distributes the South Carolina Nurses special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit;

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 290, Section 2; 2016 Act No. 275 (S.1258), Section 37, eff July 1, 2016.

## ARTICLE 37

### Special College or University License Plates

**SECTION 56-3-3710.** Issuance of license plates with college or university emblems; fee; distribution of fee revenues; minimum number of licenses required.

(A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles special motor vehicle license plates which may have imprinted on them an emblem, a seal, or other symbol the department considers appropriate of a public college or university or independent institution of higher learning, defined in Section 59-113-50, located in this State. A school may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. A school also may request a change in the emblem, seal, or other symbol once the existing inventory of the license plate has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective colleges, universities, or independent institutions of higher learning. Each fund must be administered by the school and may be used only for academic scholarships. Funds collected for state colleges and universities must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution of the fee is forty dollars to the school for each special license plate sold for the respective school and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

The department shall receive one hundred or more applications requesting a special license plate for a school before a specialized license plate may be developed for that school.

HISTORY: 1986 Act No. 540, Part II, Section 11; 1987 Act No. 170, Part II, Section 16; 1990 Act No. 591, Section 4; 1993 Act No. 164, Part II, Section 22LL; 1993 Act No. 181, Section 1393; 1996 Act No. 459, Section 170; 1999 Act No. 63, Section 9; 2016 Act No. 275 (S.1258), Section 38, eff July 1, 2016.

**SECTION 56-3-3720.** Transfer of special license plates; prohibition against display of license plate on unauthorized vehicle.

The license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the special plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

HISTORY: 1986 Act No. 540, Part II, Section 11.

**SECTION 56-3-3725.** Reference to or symbol of college or university on license plate.

License plates issued pursuant to this article shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution's written authorization.

HISTORY: 1998 Act No. 392, Section 3.

**SECTION 56-3-3730.** Applicability of article to other provisions of chapter; violations and penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but are cumulative to them. Any person violating the provisions of this article is guilty of a misdemeanor and upon conviction must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1986 Act No. 540, Part II, Section 11.

## ARTICLE 38

### American Legion Special License Plates

**SECTION 56-3-3800.** American Legion special license plate; deposit requirement; production limitations for special license plates.

(A) The Department of Motor Vehicles may issue motor vehicle license plates to members of the American Legion for private motor vehicles and motorcycles registered in their names. The fee for this special license plate must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title, the special fee required by Section 56-3-2020, and an additional special fee of forty dollars that must be distributed to the South Carolina American Legion. The forty-dollar special fee must be deposited in an account designated by the South Carolina American Legion, and must be used to off-set the expenses associated with the South Carolina Boys and Girls State Program. Notwithstanding any other provision of law, of the fees collected in accordance with Section 56-3-2020 for the special license plate, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special plate. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.

(B) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(C) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 354, Section 8; 2008 Act No. 347, Section 2, eff June 16, 2008.

#### ARTICLE 39 Shag Commemorative License Plates

**SECTION 56-3-3910.** Issuance of special license plate; fee; size of plate; reserved number.

The Department of Motor Vehicles may issue a special commemorative motor vehicle license plate commemorating the fiftieth anniversary of the introduction of the State Dance, the Shag, in 1988 for use by owners on their private passenger motor vehicles. The biennial fee for the commemorative license plate is fifty dollars in addition to the regular motor vehicle registration fee prescribed by Article 5 of this chapter. This license plate must be of the same size and general design of regular motor vehicle license plates. The plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it was issued. License number “one” for the Shag license plate is reserved for the president of the Columbia Shag Club in Richland County.

HISTORY: 1987 Act No. 170, Part II, Section 13; 1989 Act No. 189, Part II, Section 19; 1993 Act No. 164, Part II, Section 22MM; 1996 Act No. 459, Section 171; 2012 Act No. 264, Section 3, eff June 18, 2012.

**SECTION 56-3-3920.** Transfer of plate; unauthorized use.

A special license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor and approved by the Department of Motor Vehicles. It is unlawful for any person to whom such a commemorative license plate has been issued knowingly to permit the plate to be displayed on any vehicle except the one authorized by the department.

HISTORY: 1987 Act No. 170, Part II, Section 13.

**SECTION 56-3-3930.** Applicability of article to other provisions of chapter.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative thereto.

HISTORY: 1987 Act No. 170, Part II, Section 13.

#### ARTICLE 40 Keep South Carolina Beautiful License Plates

**SECTION 56-3-3950.** “Keep It Beautiful” license plates; special fund for road enhancement.

The department may issue a special commemorative “Keep It Beautiful” motor vehicle license plate for use by owners on their private passenger motor vehicles to establish a special fund to be

used by the Department of Transportation for the purposes of enhancing the state's roads and highways. These enhancements may include landscaping, wildflower plantings, scenic easements, or other highway enhancement projects. The Department of Transportation, in implementing this program, may not expend beautification funds for wildflowers without prior approval of the South Carolina Department of Agriculture. The Department of Agriculture shall ensure, before granting approval, that the varieties of wildflowers used in beautification are not harmful to agriculture at or near a proposed project. The biennial fee for the commemorative license plate is fifty-four dollars. Notwithstanding any other provision of law, of the fees collected for this special license plate, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the department's expenses in producing and administering this special license plate. Any remaining funds must be placed in a special "Highway Beautification Fund" established within and administered by the Department of Transportation. This biennial fee is in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 7 of this title. The commemorative plate must be of the same size and general design of regular motor vehicle license plates and must be imprinted with the words "Keep It Beautiful". The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

HISTORY: 1990 Act No. 591, Section 5; 1993 Act No. 164, Part II, Section 22NN; 1994 Act No. 497, Part II, Section 86B; 2005 Act No. 31, Section 1, eff upon approval (became law without the Governor's signature on April 7, 2005); 2016 Act No. 275 (S.1258), Section 39, eff July 1, 2016.

**SECTION 56-3-3960.** Transfer of special license plate to another vehicle; unauthorized use.

A special license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom such a commemorative license plate has been issued knowingly to permit the plate to be displayed on any vehicle except the one authorized by the department.

HISTORY: 1990 Act No. 591, Section 5.

**SECTION 56-3-3970.** Cumulative effect of article.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative thereto.

HISTORY: 1990 Act No. 591, Section 5.

## ARTICLE 41

### South Carolina Elks Association Special License Plates

**SECTION 56-3-4100.** South Carolina Elks Association Special License Plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 and motorcycles registered in their names which shall have imprinted on the plate the words "South Carolina Elks

Association”. The fee for this special license plate is the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title and the special fee required by Section 56-3-2020. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plate. Any remaining funds must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Elks Association to be used to support its Alzheimer’s state project.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate and, a plan to market the sale of the special license plate must be approved by the department. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department shall retain the deposit.

(D) If the department receives less than three hundred biennial applications and renewals for the ‘South Carolina Elks Association’ special license plate, it may not produce additional special license plates in that series. However, the department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2003 Act No. 51, Section 1; 2008 Act No. 347, Sections 3, 23, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 40, eff July 1, 2016.

## ARTICLE 42

### Carolina Panthers Special License Plates

**SECTION 56-3-4200.** Authority to issue special license plates; collector plates; fees; minimum number of orders.

(A) The Department of Motor Vehicles may issue “Carolina Panthers” special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names which may have imprinted on the plates an emblem, seal, or symbol of the National Football League’s Carolina Panthers. The National Football League’s Carolina Panthers shall submit to the department for its approval the emblem, seal, or symbol it desires to be used for the plates. The National Football League’s Carolina Panthers shall submit to the department written authorization for the use of any copyrighted or registered logos, trademarks, or designs. The National Football League may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) The department also may provide, upon request, special “Carolina Panthers” collector license plates which must not be displayed on a vehicle registered or required to be registered in this State. A person displaying the collector license plates on a vehicle registered or required to be registered in this State is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars or be imprisoned for not more than thirty days. The collector license plates must be the same size and general design of the “Carolina Panthers” special motor vehicle license plates. The fee for issuance of the collector license plates is twenty-five dollars. The words “collector license plate” must be imprinted on the collector license plates.

(C) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Department of Parks, Recreation and Tourism and used by the State Park Service for recreational enhancements and improvements.

(D) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred prepaid applications for the plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of fees is collected for the plate. If the equivalent amount is not collected within four years of the first issuance of the plate, then the department shall retain the deposit; and

(2) a plan to market the sale of the plate which must be approved by the department.

(E) If the department receives less than three hundred biennial applications and renewals for the plate, it may not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

HISTORY: 2004 Act No. 309, Section 1; 2008 Act No. 347, Section 24, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 41, eff July 1, 2016.

#### ARTICLE 43

#### Special License Plates—Retired Members of the United States Armed Forces

**SECTION 56-3-4310.** Issuance of plates; who is entitled; fees.

(A) The Department of Motor Vehicles shall issue a special motor vehicle license plate for use on private passenger motor vehicles and motorcycles owned by any retired member of the United States Armed Forces who is a resident of this State in accordance with the provisions of this section.

(B) The annual fee for the special license plate is the regular motor vehicle registration fee plus the personalized license plate fee provided by Section 56-3-2020, and only one plate may be issued to any person for each vehicle owned by that person, up to a maximum of two vehicles. The revenue from the issuance of plates under this article must be deposited in the manner provided under Section 56-3-2020. The department shall issue the license plate or the revalidation sticker upon receipt of an application made under oath and in the form required by the department.

(C) Any person is authorized to use the special license plates provided by this section if he provides evidence that he is a retired member of the United States Armed Forces.

HISTORY: 1991 Act No. 96, Section 1; 1993 Act No. 181, Section 1394; 1996 Act No. 459, Section 173; 2008 Act No. 347, Section 4, eff June 16, 2008.

**SECTION 56-3-4320.** Size, design, imprint.

The special license plate must be of the same size and general design as regular motor vehicle license plates. The Department of Motor Vehicles shall imprint the special license plates with the words "U.S. Armed Forces, Retired".

HISTORY: 1991 Act No. 96, Section 1.

**SECTION 56-3-4330.** Transfer to or display on different vehicle.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued knowingly to permit it to be displayed on any vehicle other than the one authorized by the department.

HISTORY: 1991 Act No. 96, Section 1.

**SECTION 56-3-4340.** Cumulative effect of article; prohibited acts; penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. Any person violating the provisions of this article or any person who: (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application for or in the use of a special license plate issued under the provisions of this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1991 Act No. 96, Section 1.

**ARTICLE 44**  
Share the Road License Plates

**SECTION 56-3-4410.** "Share the Road" license plates; fees; special fund for bicycling safety and education programs.

(A) The Department of Motor Vehicles may issue "Share the Road" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 and motorcycles registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol of the Palmetto Cycling Coalition, Inc. The Palmetto Cycling Coalition, Inc. shall submit to the department for its approval the emblem, seal, or other symbol it desires to be used for this special license plate. The Palmetto Cycling Coalition, Inc. may request a change in the emblem, seal, or other symbol not more than once every five years. The special license plate

must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the Palmetto Cycling Coalition, Inc., or another nonprofit fund designated by the Palmetto Cycling Coalition, Inc., for the promotion of bicycling safety and education programs. Any remaining funds must be administered by the Palmetto Cycling Coalition, Inc., used only for efforts to promote bicycle safety and education programs, and deposited in an appropriate nonprofit account designated by the Palmetto Cycling Coalition, Inc.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 264, Section 1; 2008 Act No. 347, Sections 5, 25, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 42, eff July 1, 2016.

#### ARTICLE 45

##### South Carolina Wildlife License Plates

**SECTION 56-3-4510.** "South Carolina Protects Endangered Species" and "South Carolina Wildlife" commemorative plates; disposition of fees collected.

(A) The Department of Motor Vehicles shall issue a series of special commemorative motor vehicle license plates for use by the owner on his private passenger motor vehicle for the purposes of the "Nongame Wildlife and Natural Areas Fund" provided in Section 50-1-280. The special fee for the commemorative license plate is thirty dollars and this amount must be placed in the fund. This fee is in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of Title 56. The commemorative plate must be of the same size and general design of regular motor vehicle license plates and must be imprinted with the words "South Carolina Protects Endangered Species". The plates must be issued or revalidated for a biennial period,

which expires twenty-four months from the month they are issued. Once the plate supply is exhausted, any revenues derived from a renewal or transfer of a “South Carolina Protects Endangered Species” plate must be distributed as directed in this subsection.

(B) The department shall issue a collection of special motor vehicle license plates to owners of private passenger carrying motor vehicles and motorcycles. The fee for each special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates, and must be imprinted with the words “South Carolina Wildlife”. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(C) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering this special license plate collection. The remaining funds collected from each special motor vehicle license plate fee must be deposited in the Game Protection Fund provided for in Title 50.

(D) The department simultaneously may make available more than one special license plate. However, before the department produces and distributes a special license plate with the South Carolina Wildlife collection pursuant to this section, it must comply with the provisions contained in Section 56-3-8100.

HISTORY: 1993 Act No. 156, Section 1; 1995 Act No. 115, Section 1; 1996 Act No. 459, Section 174; 2008 Act No. 353, Section 2, Pt 8C.1, eff July 1, 2008; 2009 Act No. 79, Section 2.A, eff June 16, 2009; 2016 Act No. 275 (S.1258), Section 43, eff July 1, 2016.

## ARTICLE 46

### Homeownership: The American Dream Special License Plates

**SECTION 56-3-4600.** Authority to issue special license plates; fees; minimum number required.

(A) The Department of Motor Vehicles may issue “Homeownership: The American Dream” special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in the owners’ names, which may have imprinted on the plate an emblem, a seal, or other symbol approved by the South Carolina Association of Realtors and the department. The South Carolina Association of Realtors may submit to the department for approval the emblem, seal, or symbol the South Carolina Association of Realtors wishes to display on the plate. The association must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design. The association may request a change in the emblem, seal, or symbol used not more than once in five years. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued. The fee for each special license plate is the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title and one hundred dollars for a special plate.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special

license plates. The remaining funds collected from the special motor vehicle license fee must be administered by the South Carolina Association of Realtors and deposited in an appropriate nonprofit account designated by the association for distribution to Habitat for Humanity International or another nonprofit fund designated by the association for the construction of new homes for low income families in South Carolina.

(C) Before the department produces and distributes the “Homeownership: The American Dream” special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department must retain the deposit;

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for the plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2004 Act No. 310, Section 1; 2008 Act No. 347, Section 26, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 44, eff July 1, 2016.

## ARTICLE 48

### Sons of Confederate Veterans Special License Plates

**SECTION 56-3-4800.** Sons of Confederate Veterans license plates; distribution of fees; prepaid applications.

(A) The department may issue Sons of Confederate Veterans special license plates to owners of private passenger-carrying motor vehicles and motorcycles registered in their names. The fee for each special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Division of the Sons of Confederate Veterans.

(C) Before the department produces and distributes the Sons of Confederate Veterans special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of

license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.

HISTORY: 2005 Act No. 21, Section 1, eff upon approval (became law without the Governor's signature on March 24, 2005); 2008 Act No. 347, Section 6, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 45, eff July 1, 2016.

## ARTICLE 49

### South Carolina Firefighters License Plates

**SECTION 56-3-4910.** Authorization to issue plates; disposition of fees.

(A) The Department of Motor Vehicles shall issue special motor vehicle license plates to active and retired South Carolina firefighters who request them in the manner provided in this article and who are residents of the State for private passenger motor vehicles owned by them. The special license plates, which must be of the same size and general design of regular motor vehicle license plates, must be imprinted with the words "SOUTH CAROLINA FIREFIGHTER" together with a fire service emblem and with numbers as the department may determine. The plates are for annual periods as provided by law. The fee for this special license plate is thirty-five dollars each year which is in addition to the regular motor vehicle registration fee as set forth in Article 5, Chapter 3 of this title.

(B) The fees collected pursuant to this section must be deposited in a separate fund for the South Carolina Fire Academy. The fund must be administered by the Department of Labor, Licensing and Regulation Division of State Fire Marshal and must be used only to train in-state public firefighters, paid and volunteer, to comply with state and federal mandated training standards. Funds collected must be deposited with the State Treasurer. The distribution of the funds is based on twenty dollars to the academy for each special license plate sold and fifteen dollars placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C) The department must receive one hundred or more applications requesting a special license plate for the South Carolina Firefighters before a specialized license plate may be developed.

HISTORY: 1992 Act No. 438, Section 1; 1993 Act No. 181, Section 1396; 1996 Act No. 459, Section 176; 2016 Act No. 275 (S.1258), Section 46, eff July 1, 2016.

**SECTION 56-3-4920.** Display of plate limited to authorized vehicle; transfer to different vehicle.

The license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the special plate has been

issued knowingly to permit it to be displayed on a vehicle except the one authorized by the department.

HISTORY: 1992 Act No. 438, Section 1.

**SECTION 56-3-4930.** Cumulative effect of article; penalties for violation.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter, but are cumulative to them. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

HISTORY: 1992 Act No. 438, Section 1.

## ARTICLE 50

### Public Education: A Great Investment License Plates

**SECTION 56-3-5010.** Authorization to issue special license plates; fees.

The Department of Motor Vehicles may issue a special commemorative “Public Education: A Great Investment” motor vehicle license plate to establish a special fund to be used by the Department of Education for the purpose of providing computers to the public schools. The biennial fee for the commemorative license plate is fifty-four dollars, and of this amount, twenty dollars must be placed in a special “Public Education: A Great Investment Fund” established within and administered by the Department of Education to purchase computers for use in the classroom and thirty-four dollars must be distributed to the school district or a school chosen by the license plate purchaser to be used to purchase computers for use in the classroom. The Department of Motor Vehicles shall report to the Department of Education the school district and the school chosen by the license plate purchaser to which the funds must be distributed. The Department of Education shall distribute funds to the district for further distribution to the schools chosen by the license plate purchasers. The commemorative plate must be of the same size and general design of regular motor vehicle license plates and must be imprinted with the words “Public Education: A Great Investment”. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

HISTORY: 1996 Act No. 342, Section 1; 1997 Act No. 155, Part II, Section 18A.

## ARTICLE 51

### South Carolina: First in Golf License Plates

**SECTION 56-3-5200.** “South Carolina: First in Golf” license plates.

(A) The Department of Motor Vehicles may issue a special “South Carolina: First In Golf” motor vehicle license plate to establish a special fund to be used by the Department of Parks, Recreation and Tourism to provide grants to promote the South Carolina Junior Golf Association.

The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. The special license plate must be of the same size and general design of a regular motor vehicle license plate and

must be imprinted with the words South Carolina: First in Golf”. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a special “South Carolina: First In Golf” fund established within and administered by the Department of Parks, Recreation and Tourism to promote the South Carolina Junior Golf Association. The distribution is forty dollars to the fund and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 1999 Act No. 63, Section 10; 2012 Act No. 264, Section 4, eff June 18, 2012; 2016 Act No. 275 (S.1258), Section 47, eff July 1, 2016.

## ARTICLE 52

### Charter Limousine License Plates

**SECTION 56-3-5300.** Charter limousines to acquire special Class C license plates; biennial fee.

(A) In addition to complying with any other registration and license fee requirement contained in this chapter, a “charter limousine” regulated by the South Carolina Public Service Commission must acquire a special license plate from the Department of Motor Vehicles upon submission of proof that the charter limousine is certified as a “Class C Charter Limousine” by the commission.

(B) The biennial fee for this special license plate is twenty-five dollars.

(C) Of the funds appropriated to the Public Service Commission in the Annual Appropriations Act for 1997-98 and subsequent years for Operations/Administration, Other Operating Expenses, sufficient funds must be used to process documents providing proof that the charter limousine is certified as a “Class C Charter Limousine” as required by subsection (A).

HISTORY: 1997 Act No. 155, Part II, Section 62A.

## ARTICLE 53

### Normandy Invasion Survivors Special License Plates

**SECTION 56-3-5350.** Authority to issue Normandy Invasion Survivor license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to survivors of the World War II Normandy Invasion for private motor vehicles registered in their names. The caption of these plates shall include the words: "Normandy Invasion Survivor". The fee for this special license plate must be the regular motor vehicle license plate fee contained in Article 5, Chapter 3 of this title which must be deposited in the state general fund and the special fee required by Section 56-3-2020 which must be deposited with the department.

(B) Any person may be issued a special license plate provided by this section if he provides evidence to the department that he is a survivor of the World War II Normandy Invasion.

HISTORY: 2000 Act No. 347, Section 1.

#### ARTICLE 54

#### Fraternal Order of Police Special License Plates

**SECTION 56-3-5400.** Fraternal Order of Police special license plates.

(A) The department may issue "Fraternal Order of Police" special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are active members in good standing with the Fraternal Order of Police. Identification of current membership must be presented at the time of initial application. The fee for each special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued. A person issued a special license plate pursuant to this section who is not or who ceases to be a member of the Fraternal Order of Police must remove the license plate from his vehicle on the date the license plate registration is due for renewal and obtain another valid license plate. A person who knowingly fails to surrender his license plate pursuant to this section is guilty of a misdemeanor and, upon conviction, may be fined one hundred dollars or sentenced to thirty days in jail, or both.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place the regular motor vehicle license fee into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remaining funds collected from the special motor vehicle license fee must be distributed to the State Lodge of the Fraternal Order of Police to be used to support the families of officers killed in the line of duty.

(C) Before the department produces and distributes the Fraternal Order of Police special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.

HISTORY: 2005 Act No. 54, Section 1, eff May 9, 2005; 2006 Act No. 398, Section 6, eff September 7, 2006; 2008 Act No. 347, Section 7, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 48, eff July 1, 2016.

## ARTICLE 55

### Pearl Harbor Survivors' License Plates

#### **SECTION 56-3-5910.** Persons eligible.

An owner of a private passenger motor vehicle who is a resident of this State may apply for a motor vehicle license plate under this article if he:

- (1) was a member of the United States Armed Forces on December 7, 1941;
- (2) was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu, or offshore at a distance not exceeding three miles; and
- (3) received an honorable discharge from the United States Armed Forces.

HISTORY: 1990 Act No. 591, Section 6; 1990 Act No. 597, Section 3; 1996 Act No. 459, Section 177.

#### **SECTION 56-3-5920.** Design and issuance of "Pearl Harbor Survivor" license plate.

The Department of Motor Vehicles shall design a Pearl Harbor survivor license plate for motor vehicles. The license plates issued pursuant to this article must be numbered consecutively and contain the words "Pearl Harbor Survivor".

HISTORY: 1990 Act No. 591, Section 6; 1990 Act No. 597, Section 3; 1993 Act No. 181, Section 1397.

#### **SECTION 56-3-5930.** Proof of eligibility and registration; fee; verification.

(A) An owner must be issued a Pearl Harbor survivor license plate for his private passenger motor vehicle upon submitting proof of eligibility and complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for license plates as prescribed by law plus, for the initial issuance, an additional fee of fifteen dollars.

(B) All applications for Pearl Harbor survivor license plates must be verified by the South Carolina State Chairman of Pearl Harbor Survivors.

HISTORY: 1990 Act No. 591, Section 6; 1990 Act No. 597, Section 3; 1996 Act No. 459, Section 178.

#### **SECTION 56-3-5940.** Revalidation.

In those years in which a metal plate is not issued, for a license plate authorized by this article, a revalidation sticker with a distinctive serial number or other suitable means prescribed by the Department of Motor Vehicles must be issued and affixed in the space provided on the license plate assigned to the vehicle upon payment of the fee prescribed for registration and licensing.

HISTORY: 1990 Act No. 591, Section 6; 1990 Act No. 597, Section 3.

**SECTION 56-3-5950.** One special plate per person; plate not transferable.

Only one license plate may be issued to an applicant, and the license plate is nontransferable.

HISTORY: 1990 Act No. 591, Section 6; 1990 Act No. 597, Section 3.

## ARTICLE 56

### United States Armed Services Special License Plates

**SECTION 56-3-6000.** Armed Services special license plates.

(A) The Department of Motor Vehicles may issue a distinct and separate special license plate for the United States Army, the United States Navy, the United States Marines Corps, the United States Air Force, and the United States Coast Guard for use on private passenger motor vehicles and motorcycles owned or leased by residents of this State. The biennial fee for each special license plate issued for a branch of the military is the regular motor vehicle license plate fee contained in Article 5, Chapter 3 of this title plus thirty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license plate fee must be disbursed in equal amounts to the various county Veterans' Administration offices to be used for operational expenses.

(C) Notwithstanding another provision of law, the requirements for production, collection, and distribution of fees for these license plates are those set forth in Section 56-3-8100.

(D) The department shall imprint the special license plates with a distinctive emblem approved by the United States Department of Defense and United States Department of Transportation, as applicable, which distinguishes each branch of the United States Armed Services.

HISTORY: 2005 Act No. 158, Section 3, eff June 10, 2005; 2008 Act No. 347, Section 8, eff June 16, 2008; 2012 Act No. 272, Section 29, eff December 26, 2012.

## ARTICLE 57

### United States Naval Academy Special License Plates

**SECTION 56-3-6500.** United States Naval Academy special license plates.

The Department of Motor Vehicles may issue "United States Naval Academy" special license plates to owners of private passenger motor vehicles registered in their names. The applicant must be a graduate of the United States Naval Academy. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of

thirty dollars. Any portion of the additional thirty-dollar fee not set aside by the Comptroller General to defray the costs of production and distribution must be distributed to the United States Naval Academy Alumni Association.

HISTORY: 2006 Act No. 398, Section 7, eff September 7, 2006.

ARTICLE 58  
County Veterans Affairs Officers Special License Plates

**SECTION 56-3-7000.** County Veterans Affairs Officers special license plates.

The Department of Motor Vehicles may issue a special motor vehicle license plate to a County Veterans Affairs Officer for a private motor vehicle registered in his name. Only one plate may be issued to a person. The biennial fee for the special license plate is the same as the fee provided in Section 56-3-2020.

HISTORY: 1999 Act No. 63, Section 15.

**SECTION 56-3-7010.** Size, design, and contents of license plates; revalidation.

The special plates must be of the same size and general design as a regular motor vehicle license plate. The Department of Motor Vehicles shall imprint the special license plate with the words "County Veterans Affairs Officer" together with numbers the department may determine necessary. The plate must be issued or revalidated biennially for the regular registration and licensing period.

HISTORY: 1999 Act No. 63, Section 15.

ARTICLE 59  
United States Air Force Academy Special License Plates

**SECTION 56-3-7050.** United States Air Force Academy special license plates.

The Department of Motor Vehicles may issue "United States Air Force Academy" special license plates to owners of private passenger motor vehicles registered in their names. The applicant must be a graduate of the United States Air Force Academy. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty-dollar fee not set aside by the Comptroller General to defray the costs of production and distribution must be distributed to the United States Air Force Academy Alumni Association.

HISTORY: 2006 Act No. 398, Section 8, eff September 7, 2006.

ARTICLE 61  
Arts Awareness Special License Plates

**SECTION 56-3-7200.** Arts Awareness special license plates; deposition of fees.

(A) The department may issue Arts Awareness special license plates to owners of private passenger-carrying motor vehicles registered in their names to establish a special fund to be used by the South Carolina Arts Commission for the purpose of funding activities that support a thriving arts environment in South Carolina. The biennial fee for the special license plates is seventy dollars in addition to the regular motor vehicle license plate fee contained in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates, must be imprinted with artwork to be selected through a process conducted by the South Carolina Arts Commission, and numbers as the department may determine. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be deposited in a separate fund for the South Carolina Arts Commission and be used solely to support activities that build a thriving arts environment in South Carolina.

(C) Before the department produces and distributes the Arts Awareness special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.

HISTORY: 2005 Act No. 55, Section 1, eff May 9, 2005; 2016 Act No. 275 (S.1258), Section 49, eff July 1, 2016.

## ARTICLE 62

### Saltwater Fishing Special License Plates

**SECTION 56-3-7300.** Saltwater Fishing special license plates.

(A) The Department of Motor Vehicles may issue "Saltwater Fishing" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy-five dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, established within and administered by the Department of Natural Resources to manage and conserve the marine resources of the State.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 352, Section 1; 2003 Act No. 44, Section 1; 2008 Act No. 347, Section 27, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 50, eff July 1, 2016.

## ARTICLE 63

### Support Our Troops Special License Plates

**SECTION 56-3-7310.** Support Our Troops special license plates.

The Department of Motor Vehicles may issue "Support Our Troops" special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. The Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to defray costs of production and distribution. Any portion of the additional thirty dollar fee not placed in the State Highway Fund by the Comptroller General must be distributed to Support Our Troops, Inc.

HISTORY: 2006 Act No. 398, Section 9, eff September 7, 2006; 2016 Act No. 275 (S.1258), Section 51, eff July 1, 2016.

## ARTICLE 64

### Emergency Medical Service Special License Plates

**SECTION 56-3-7320.** Emergency Medical Service special license plates.

The Department of Motor Vehicles may issue “Emergency Medical Service” special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. The Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the department’s costs of production and distribution. Any portion of the additional thirty-dollar fee not placed in the State Highway Fund by the Comptroller General must be distributed to the South Carolina Emergency Medical Services Association.

HISTORY: 2006 Act No. 398, Section 10, eff September 7, 2006; 2016 Act No. 275 (S.1258), Section 52, eff July 1, 2016.

ARTICLE 65

“Boy Scouts of America” and “Eagle Scout”

Special License Plates

**SECTION 56-3-7330.** Boy Scouts of America and Eagle Scout special license plates.

(A) The Department of Motor Vehicles may issue “Boy Scouts of America” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(B)(1) The Department of Motor Vehicles may issue “Eagle Scouts of America” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Eagle Scout Award from the Boy Scouts of America. The motor vehicle owner must present the department with official documentation that states that he was awarded the Eagle Scout Award, along with his application for this special license plate. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The special license plate must be imprinted with an emblem, seal, symbol, or design agreed to by all of the Boy Scout councils serving counties in South Carolina.

(2) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the cost of production. That portion of the fees collected pursuant to this section in excess of the cost of production must be distributed to the South

Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.

(3) Section 56-3-8100 requirements met for the production, collection, and distribution of fees for the “Boy Scouts of America” special license plate are deemed to have been met for the “Eagle Scouts of America” special license plate.

HISTORY: 2006 Act No. 398, Section 11, eff September 7, 2006; 2012 Act No. 272, Section 9, eff December 26, 2012; 2016 Act No. 275 (S.1258), Section 53, eff July 1, 2016.

#### ARTICLE 66

##### Native American Special License Plates

**SECTION 56-3-7340.** Native American special license plates.

(A) The Department of Motor Vehicles may issue “Native American” special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. Any portion of the additional thirty-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the Native American Prison Program of South Carolina.

HISTORY: 2006 Act No. 398, Section 12, eff September 7, 2006.

#### ARTICLE 67

##### South Carolina Peach Council Special License Plates

**SECTION 56-3-7350.** South Carolina Peach Council special license plates.

The Department of Motor Vehicles may issue “South Carolina Peach Council” special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Peach Council.

HISTORY: 2006 Act No. 398, Section 13, eff September 7, 2006.

#### ARTICLE 68

##### Korean War Veterans Special License Plates

**SECTION 56-3-7360.** Korean War Veterans special license plates.

The Department of Motor Vehicles may issue “Korean War Veterans” special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are Korean War Veterans who served on active duty at anytime during the Korean War. The applicant must present the department with a DD214 or other official documentation that states

that he served on active duty upon initial application for this special license plate. There is no fee for this special license plate.

HISTORY: 2006 Act No. 398, Section 14, eff September 7, 2006; 2008 Act No. 347, Section 10, eff June 16, 2008; 2012 Act No. 253, Section 5, eff June 18, 2012; 2016 Act No. 275 (S.1258), Section 54, eff July 1, 2016; 2016 Act No. 186 (H.3927), Section 3, eff. May 25, 2017.

#### ARTICLE 69

##### Cancer Research Centers of the Carolinas Special License Plates

**SECTION 56-3-7370.** Cancer Research Centers of the Carolinas special license plates.

The Department of Motor Vehicles may issue “Cancer Research Centers of the Carolinas” special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of fifteen dollars. Any portion of the additional fifteen-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the Mary Crawley Medical Cancer Research Foundation to provide funding for the Cancer Research Centers of the Carolinas.

HISTORY: 2006 Act No. 398, Section 15, eff September 7, 2006.

#### ARTICLE 70

##### Square Dance Commemorative License Plates

**SECTION 56-3-7610.** Authority to issue commemorative Square Dance license plates.

The Department of Motor Vehicles may issue a special commemorative motor vehicle license plate commemorating the Square Dance as the state’s official American Folk Dance. The biennial fee for the commemorative license plate is fifty dollars in addition to the regular motor vehicle fee prescribed by Article 5 of this chapter. This license plate must be the same size and general design of regular motor vehicle license plates.

HISTORY: 1996 Act No. 422, Section 3.

#### ARTICLE 71

##### Special License Decal; Forest Products Haulers

**SECTION 56-3-7650.** Forest product haulers decals.

The Department of Motor Vehicles shall issue a special motor vehicle license decal to identify intrastate unmanufactured forest product haulers. A one-time fee for the issuance of this special plate is thirty dollars.

HISTORY: 1996 Act No. 425, Section 1.

#### ARTICLE 72

##### Special Olympics License Plates

**SECTION 56-3-7700.** Special Olympics license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates commemorating the Special Olympics which may have imprinted on the plates an emblem, seal, or other symbol approved by the South Carolina Special Olympics and the department. The fee for this special license plate is fifty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title. This special license plate must be the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the cost of production and distribution of this special license plate. The fees collected pursuant to this section in excess of those placed in the State Highway Fund, must be distributed to the South Carolina Special Olympics.

HISTORY: 1996 Act No. 409, Section 1; 2016 Act No. 275 (S.1258), Section 55, eff July 1, 2016.

ARTICLE 73

Fraternity and Sorority License Plates

**SECTION 56-3-7750.** Fraternity and sorority license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate to a certified service fraternity or sorority. A fraternity or sorority may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. Before a design is approved, however, the organization must submit to the department written authorization for the use of any copyrighted or registered logo, trademark, or design. A fraternity or sorority also may request a change in the emblem, seal, or other symbol once the existing supply has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective fraternities or sororities. Each fund must be administered by the fraternity or sorority and may be used for academic scholarships, or to fund programs that send boys and girls who are at least eight years old and not more than sixteen years old to summer camp, or both. Funds collected for each fraternity or sorority must be deposited in an account designated by the fraternity or sorority. The distribution is forty dollars to the respective fund and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 1999 Act No. 63, Section 11; 2007 Act No. 90, Section 1, eff June 14, 2007; 2008 Act No. 347, Section 28, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 56, eff July 1, 2016.

#### ARTICLE 74

##### Vietnam War Veterans Special License Plates

**SECTION 56-3-7780.** Authority to issue special Vietnam War Veterans license plates; fees; minimum number of orders required.

(A) The department may issue "Vietnam Veterans" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 and motorcycles registered in their names who are Vietnam War Veterans who served on active duty in Vietnam at anytime during the period of February 28, 1961, to May 7, 1975. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he was awarded the Vietnam Service Medal or that he served on active duty in Vietnam, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors Vietnam War Veterans. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2004 Act No. 311, Section 1; 2005 Act No. 158, Section 1, eff June 10, 2005; 2008 Act No. 347, Sections 11, 29, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 57, eff July 1, 2016.

#### ARTICLE 75

##### South Carolina Aquarium Special License Plates

**SECTION 56-3-7800.** South Carolina Aquarium special license plates.

The Department of Motor Vehicles may issue "South Carolina Aquarium" special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of fifty dollars. Any portion of the additional fifty-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the South Carolina Aquarium.

HISTORY: 2006 Act No. 398, Section 16, eff September 7, 2006.

#### ARTICLE 76

##### Shriners License Plates

**SECTION 56-3-7860.** Shriners license plates.

The Department of Motor Vehicles may issue special motor vehicle license plates to members of the Shriners for private motor vehicles and motorcycles registered in their names. The fee for the issuance of this special plate must be the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title which must be deposited in the state general fund and the special fee required by Section 56-3-2020 which the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The department shall assess the cost of production, administration, and issuance of this plate and provide this information to the General Assembly every five years.

HISTORY: 1996 Act No. 425, Section 7; 1997 Act No. 17, Section 1; 2008 Act No. 347, Section 12, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 58, eff July 1, 2016.

#### ARTICLE 77

##### Our Farms-Our Future Special License Plates

**SECTION 56-3-7890.** Our Farms-Our Future special license plates; distribution of fees.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles registered in their names which shall have imprinted on the plate “Our Farms-Our Future” and which may have a design representative of agriculture. The South Carolina Farm Bureau Federation shall submit to the department for its approval a design it desires to be used for this special license plate. The South Carolina Farm Bureau Federation may request a change in the design not more than once every five years. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the 501(c)(3) nonprofit South Carolina Farm Bureau Federation “Ag in the Classroom” fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2009 Act No. 79, Section 1, eff June 16, 2009.

#### ARTICLE 78

##### License Plates on Behalf of the H. L. Hunley Submarine

**SECTION 56-3-7910.** H. L. Hunley submarine license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate an emblem, a seal, logo, or other symbol of the “H. L. Hunley” submarine. The Hunley Commission shall submit to the department for its approval the emblem, seal, logo, or other symbol it desires to be used for this special license plate. The Hunley Commission may request a change in the emblem, seal, logo, or other symbol not more than once every five years. The fee for this special license plate is one hundred dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to the Fund to Save the Hunley created by the Hunley Commission or another nonprofit fund designated by the commission for the continued curation of the Hunley submarine. Any such fund must be administered by the Hunley Commission and may be used only for efforts to raise, restore, and preserve the Hunley submarine. Any funds collected must be deposited in an appropriate

nonprofit account designated by the Hunley Commission. The distribution of these funds is sixty dollars to the Hunley Commission and forty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C) The department shall reserve the first twelve license plates for use by the Hunley Commission.

(D) Before the department produces and distributes a license plate authorized under this section, it must receive at least four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this subsection, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that individual's or organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit.

HISTORY: 1999 Act No. 63, Section 4; 2008 Act No. 347, Section 30, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 59, eff July 1, 2016.

#### ARTICLE 79 Recycling Special License Plates

**SECTION 56-3-7940.** "Reduce, Reuse, Recycle" special license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles registered in their names which shall have imprinted on the plate "Reduce, Reuse, Recycle" and the recycling logo. The Carolina Recycling Association shall submit to the department for its approval a design it desires to be used for this special license plate. The Carolina Recycling Association may request a change in the design not more than once every five years. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Carolina Recycling Association to promote the growth of the South Carolina recycling industry.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2009 Act No. 79, Section 4, eff June 16, 2009.

#### ARTICLE 80 Hunting Island State Park Special License Plates

**SECTION 56-3-7950.** Hunting Island State Park special license plate authorized.

(A) The Department of Motor Vehicles may issue Hunting Island State Park special license plates to owners of private passenger-carrying motor vehicles registered in their names. The Friends of Hunting Island State Park, Inc., shall submit to the department for its approval the emblem, seal, or other symbol it desires to be used for this special license plate. The Friends of Hunting Island State Park, Inc., may request a change in the emblem, seal, or other symbol not more than once every five years. The fee for each special license plate is fifty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to The Friends of Hunting Island State Park, Inc., for use on projects benefiting Hunting Island State Park.

(C) Before the department produces and distributes the Hunting Island State Park special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or four thousand dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.

HISTORY: 2006 Act No. 287, Section 1, eff May 23, 2006; 2016 Act No. 275 (S.1258), Section 60, eff July 1, 2016.

## ARTICLE 81

### Nonprofit Organization License Plates

**SECTION 56-3-8000.** Special motor vehicle license plates for nonprofit organizations.

(A) An organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the federal Internal Revenue Code and maintained this certification for a period of five years may apply to the Department of Motor Vehicles for a special license plate. The department may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names.

(B) The department must develop a basic license plate design that will be used for all special organizational license plates. The plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the plate in an area specified by the department with an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the plate design unless they are part of the approved emblem, seal, insignia, or other identifying

symbol. The name of the organization may be imprinted across the top of the license plate. The standard plate design must be issued for all organizational license plates newly requested after July 1, 2013. Organizational license plate designs in production as of that date must be changed when the license plate, or license plate class, is replaced.

(C) The license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the license plate. The initial fee amount requested may be changed only every five years from the first year the license plate is issued. Of the additional fee collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate.

(D) If the organization seeking issuance of the plate does not request an additional fee above the regular registration fee, the department may collect an additional fee of ten dollars.

(E) Of the additional fee collected pursuant to subsections (A) and (D), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates.

(F) Any of the remaining additional fee collected pursuant to subsection (D) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

(G) Before the department produces and distributes a plate pursuant to this section, it must receive:

(1) six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(H) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (G)(1) into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(I) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue license plates of that series until the existing inventory is exhausted.

(J) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution's written authorization.

(K) Before a design is approved, the organization must submit to the department written authorization of legal authority for the use of any copyrighted or registered logo, trademark, or design, and the organization's acceptance of legal responsibility for the use.

(L) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or

refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department's decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

Appointments to the joint legislative committee shall be made by the Chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department's decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department's decision, the department must issue the license plate pursuant to the committee's decision. However, the provision contained in subsection (G) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

(M) Each new classification of special vehicle license plates including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56, as appropriate.

(N) The fee required in subsection (G)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.

HISTORY: 1999 Act No. 63, Section 7; 2000 Act No. 286, Section 1; 2002 Act No. 194, Section 1; 2006 Act No. 398, Section 2, eff September 7, 2006; 2008 Act No. 297, Section 5, eff upon approval (became law without the Governor's signature on June 12, 2008); 2008 Act No. 347, Sections 13, 17, 31, eff June 16, 2008; 2008 Act No. 353, Section 7, eff July 1, 2008; 2012 Act No. 272, Section 21, eff December 26, 2012; 2013 Act No. 56, Section 8.A, eff June 12, 2013; 2016 Act No. 275 (S.1258), Section 61, eff July 1, 2016.

## ARTICLE 82

### Special License Plates Production and Distribution Guidelines

**SECTION 56-3-8100.** Special license plates production and distribution guidelines.

(A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after January 1, 2006, it must receive:

- (1) six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and
- (2) a plan to market the sale of the special license plate which must be approved by the department.

(B) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (A)(1) into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(C) The department must develop a basic plate design that will be used for all special license plates authorized by the General Assembly. The license plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the license plate in an area specified by the department with an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the license plate design unless they are part of the approved emblem, seal, insignia, or

other identifying symbol. The name of the organization may be imprinted across the top of the license plate. The standard license plate design must be issued for all organizational license plates newly requested after July 1, 2013. License plate designs in production as of that date must be changed when the license plate, or license plate class, is replaced.

(D) The fee for all special license plates created by the General Assembly after January 1, 2006, is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate, as authorized by law. The initial fee amount requested can only be changed every five years from the first year the plate is issued. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(E) If the individual or organization seeking issuance of the plate does not request an additional fee above the regular registration fee, and no other additional fee is prescribed by law, the department may collect an additional fee of ten dollars.

(F) Of the additional fee collected pursuant to subsections (D) and (E), the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of producing and administering special license plates.

(G) Any of the remaining additional fee collected pursuant to subsections (D) and (E) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

(H) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(I) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56 it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(J) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

(K) For each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56, as appropriate.

(L) The fee required in subsection (A)(1) must be reviewed by the General Assembly during the 2013 legislative session, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a separate bill separate and apart from any other matter.

HISTORY: 1999 Act No. 63, Section 8; 2002 Act No. 193, Section 2; 2002 Act No. 194, Section 2; 2002 Act No. 200, Section 9; 2002 Act No. 218, Section 2; 2002 Act No. 264, Section 4; 2002 Act No. 352, Section 2; 2002 Act No. 354, Section 2; 2006 Act No. 398, Section 3, eff September 7, 2006; 2007 Act No. 90, Section 3, eff June 14, 2007; 2008 Act No. 347, Section 18, eff June 16, 2008; 2012 Act No. 272, Section 22, eff December 26, 2012; 2013 Act No. 56, Section 8.B, eff June 12, 2013; 2016 Act No. 275 (S.1258), Sections 62.A, 62.B, eff July 1, 2016.

**SECTION 56-3-8110.** Motorcycle special license plates.

Motorcycle special license plates may be issued by the Department of Motor Vehicles for any special license plate under the same terms and conditions as prescribed by law for private passenger motor vehicles.

HISTORY: 2013 Act No. 56, Section 7, eff June 12, 2013.

ARTICLE 83

Rotary International Special License Plates

**SECTION 56-3-8200.** Rotary International special license plates.

(A) The Department of Motor Vehicles may issue motor vehicle license plates to members of Rotary International for private passenger motor vehicles registered in their names. The fee for this special license plate must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title, and an additional special fee of fifty dollars which must be distributed to the Rotary District in which the purchaser's home club is located in this State. The department must report to the South Carolina Rotary District designee the district chosen as a result of the license plate issuance to which this fee must be distributed. The fee must be deposited in an account designated by each South Carolina Rotary District, and must be distributed properly by each district. Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special plate. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.

(B) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(C) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series.

The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 1999 Act No. 63, Section 12; 2002 Act No. 354, Section 1; 2006 Act No. 398, Section 4, eff September 7, 2006; 2016 Act No. 275 (S.1258), Section 63, eff July 1, 2016.

ARTICLE 84  
Marine Corps League Special License Plates

**SECTION 56-3-8300.** Marine Corps League special license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to members of the Marine Corps League for private passenger motor vehicles and motorcycles registered in their names. The fee for this license plate is the fee set forth for special license plates in Section 56-3-8100. The Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the cost of production and distribution of this special license plate. Any portion of the additional thirty-dollar fee not placed in the State Highway Fund by the Comptroller General must be distributed to the South Carolina Department of the Marine Corps League. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.

(B) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(C) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 1999 Act No. 63, Section 13; 2006 Act No. 398, Section 5, eff September 7, 2006; 2008 Act No. 347, Section 14, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 64, eff July 1, 2016.

ARTICLE 85  
Lions Club Special License Plates

**SECTION 56-3-8400.** Lions Club special license plates.

(A) The Department of Motor Vehicles may issue "Lions Club" special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, and motorcycles, as

defined in Section 56-3-20. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title which must be deposited in the state general fund and the special fee required by Section 56-3-2020 which must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.

(B) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(C) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 1999 Act No. 63, Section 14; 2016 Act No. 275 (S.1258), Section 65, eff July 1, 2016; 2017 Act No. 65 (H.3256), Section 4, eff May 19, 2017.

Effect of Amendment

2017 Act No. 65, Section 4, amended the section, specifying to whom the Lions Club special license plates may be issued.

## ARTICLE 86

### Ducks Unlimited Special License Plates

**SECTION 56-3-8600.** Authority to issue Ducks unlimited special license plates; fee; number of plates.

(A) The Department of Motor Vehicles may issue "Ducks Unlimited" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names which may have imprinted on them an emblem, seal, or symbol of the South Carolina Ducks Unlimited State Committee. The South Carolina Ducks Unlimited State Committee must submit to the department for its approval the emblem, seal, or symbol it wishes to display on the plates. The South Carolina Ducks Unlimited State Committee must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The South Carolina Ducks Unlimited State Committee may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of fifty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Ducks Unlimited State Committee for wetlands conservation projects in South Carolina. Any remaining funds must be administered by the South Carolina Ducks Unlimited State Committee and deposited in an appropriate nonprofit account designated by the South Carolina Ducks Unlimited State Committee.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred prepaid applications for the plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of fees is collected for the plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for the plate, it shall not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

HISTORY: 2001 Act No. 104, Section 2; 2004 Act No. 312, Section 1; 2008 Act No. 347, Section 32, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 66, eff July 1, 2016.

## ARTICLE 87 NASCAR Special License Plates

### **SECTION 56-3-8700.** Short title.

This article may be cited as the Denny Woodall Neilson NASCAR Special License Plates Act.

HISTORY: 2001 Act No. 104, Section 1.

### **SECTION 56-3-8710.** NASCAR special license plates authorized.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names which may have imprinted on the plates an emblem, a seal, or other symbol the department considers appropriate to NASCAR or a NASCAR driver or team. NASCAR or a NASCAR driver or team may submit to the department for approval of the emblem, seal, or other symbol it desires to be used for its respective special license plate. Before a design is approved, NASCAR or the NASCAR driver or team must submit to the department written authorization for the use of a copyrighted or registered logo, trademark, or design. NASCAR or a NASCAR driver or team also may request a change in its respective emblem, seal, or other symbol once the existing supply has been exhausted. The fee for each special license plate is seventy dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. Each special license plate must be of the same size and general design of regular motor

vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) The department may also provide, upon request, special NASCAR or NASCAR driver or team collector license plates which shall not be displayed on any vehicle registered or required to be registered in this State. Any person displaying the special NASCAR or NASCAR driver or team collector license plates on any vehicle registered or required to be registered in this State is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars or be imprisoned for not more than thirty days. The special NASCAR or NASCAR driver or team collector license plates shall be the same size and general design of the regular NASCAR or NASCAR driver or team special motor vehicle license plates. The fee for issuance of the special NASCAR or NASCAR driver or team collector license plates is twenty-five dollars. The words “collector license plate” shall be imprinted on the special NASCAR or NASCAR driver or team collector license plates.

(C) From the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of producing the special license plates. The remaining funds must be distributed in the following manner:

(1) one-half deposited in a special account, separate and apart from the General Fund, designated the “South Carolina Children’s Emergency Shelter Fund” established within and administered for use by the Department of Social Services. The Department of Social Services shall distribute at least one-half of the funds from the special account to the South Carolina Association of Children’s Homes and Family Services for the benefit of the South Carolina children’s emergency shelters. Funds distributed to the South Carolina Association of Children’s Homes and Family Services may be used only for providing donations to support the South Carolina children’s emergency shelters. Funds received by the South Carolina Association of Children’s Homes and Family Services pursuant to this section must be deposited in an appropriate nonprofit account designated by the South Carolina Association of Children’s Homes and Family Services;

(2) one-fourth deposited in a special account, separate and apart from the General Fund, designated the “South Carolina Sports Development Office Fund” established within and administered for use by the Department of Parks, Recreation and Tourism to promote the South Carolina Sports Development Office; and

(3) one-fourth deposited in a special account, separate and apart from the General Fund designated the “NASCAR License Plate Highway Safety Fund” established within and administered for use by the Department of Public Safety to promote highway safety in conjunction with the Department of Transportation and NASCAR or a NASCAR driver or team.

(D) Before the department produces and distributes NASCAR’s or a NASCAR driver’s or team’s respective special license plate pursuant to this section, it must receive four hundred prepaid applications for NASCAR’s or the NASCAR driver’s or team’s respective special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of NASCAR’s or the NASCAR driver’s or team’s respective license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for the NASCAR or NASCAR driver’s or team’s respective license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit.

(E) If the department receives less than three hundred biennial applications and renewals for a particular NASCAR or NASCAR driver or team special license plate, it may choose not to produce additional special license plates in that series. However, the department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2001 Act No. 104, Section 1; 2008 Act No. 347, Section 33, eff June 16, 2008; 2009 Act No. 65, Section 1, eff June 2, 2009; 2016 Act No. 275 (S.1258), Section 67, eff July 1, 2016.

## ARTICLE 88

### World War II Veterans Special License Plates

**SECTION 56-3-8800.** World War II veterans special license plates authorized; handicapped placards.

(A) Notwithstanding another provision of law, the department may issue special motor vehicle license plates to World War II veterans or their spouses for private passenger motor vehicles and motorcycles registered in their names. The fee for the issuance of this special motor vehicle license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title.

(B) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped placard issued pursuant to Section 56-3-1960, then the license plate issued pursuant to this section also shall include the international symbol of access used on placards issued pursuant to Section 56-3-1960. Until the department determines that the license plate shall be redesigned to include the international symbol of access, the department shall develop a decal using the international symbol of access to be placed on the license plate which shall be issued to all persons who request the license plate authorized by this section, including persons for whom license plates were issued pursuant to this section on or before the effective date of this subsection.

HISTORY: 2001 Act No. 104, Section 4; 2005 Act No. 158, Section 2, eff June 10, 2005; 2008 Act No. 347, Section 19, eff June 16, 2008; 2012 Act No. 253, Section 8, eff June 18, 2012.

## ARTICLE 89

### “Choose Life” Special License Plates

**SECTION 56-3-8910.** “Choose Life” special license plates authorized.

(A) The Department of Motor Vehicles shall issue special motor vehicle license plates to owners of private passenger carrying motor vehicles or light pickups having an empty weight of seven thousand pounds or less and a gross weight of nine thousand pounds or less registered in their names which shall have imprinted on the plate the words “Choose Life”. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section, after the costs to produce and administer the distribution of this special license plate, must be deposited in a special account, separate and

apart from the general fund, designated for use by the Department of Social Services to be used to support local crisis pregnancy programs. Local private nonprofit tax exempt organizations offering crisis pregnancy services may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's case load in the preceding calendar year was of the total case load of all applicants in that year. Grants may not be awarded to any agency, institution, or organization that provides, promotes, or refers for abortion.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive four hundred prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department shall retain the deposit.

(D) If the department receives less than three hundred biennial applications and renewals for the "Choose Life" special license plate, it may not produce additional special license plates in that series. However, the department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2001 Act No. 104, Section 6.

## ARTICLE 90

### Sertoma International Special License Plates

**SECTION 56-3-9000.** Sertoma International special license plates authorized.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate an emblem, a seal, or other symbol approved by Sertoma International and the department. Sertoma International may submit to the department for approval of the emblem, seal, or other symbol it desires to be used for its respective special license plate. Before a design is approved, however, Sertoma International must submit to the department written authorization for the use of a copyrighted or registered logo, trademark, or design. Sertoma International also may request a change in the emblem, seal, or other symbol once the existing supply has been exhausted. The fee for each special license plate is seventy dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section, after the costs to produce and administer the distribution of the special license plate have been satisfied, must be distributed to the "Camp Sertoma Fund" created by Sertoma International for the continued support of Camp Sertoma. The fund must be administered by Sertoma International and may be used only for Camp

Sertoma. Any funds collected must be deposited in an appropriate nonprofit account designated by Sertoma International.

(C) Before the department produces and distributes the Sertoma International special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department must retain the deposit;

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2001 Act No. 104, Section 3; 2008 Act No. 347, Section 34, eff June 16, 2008.

## ARTICLE 91

### South Carolina Technology Alliance Special License Plates

**SECTION 56-3-9100.** South Carolina Technology Alliance license plates.

(A) The Department of Motor Vehicles may issue "South Carolina Technology Alliance" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate an emblem, seal, logo, or other symbol that represents the South Carolina Technology Alliance and technology. The South Carolina Technology Alliance must submit to the department for approval the emblem, seal, logo, or other symbol it desires to be used for this special license plate. The South Carolina Technology Alliance may request a change in the emblem, seal, logo, or other symbol not more than once every five years. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of one hundred dollars.

(B) The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Technology Alliance for the continued development of high technology programs across the State and to provide resources for South Carolina Technology Entrepreneurs. The remaining funds must be administered by the South Carolina Technology Alliance, used only for efforts to develop and manage technology entrepreneur programs for South Carolina entrepreneurial high technology businesses, and deposited in an appropriate nonprofit account designated by the South Carolina Technology Alliance.

(C) The department shall reserve the initial fifty license plates in this series for use by the South Carolina Technology Alliance.

(D) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate which must be approved by the department.

(E) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 237, Section 1; 2008 Act No. 347, Section 35, eff June 16, 2008.

## ARTICLE 92

### In God We Trust Special License Plates

**SECTION 56-3-9200.** In God We Trust license plates.

(A) The Department of Motor Vehicles may issue "In God We Trust" special motor vehicle license plates to owners of private passenger-carrying motor vehicles registered in their names. The fee for each special license plate is the regular motor vehicle license fee set forth in Article 5. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Before the department produces and distributes the "In God We Trust" special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit;

(2) a plan to market the sale of these special license plates which must be approved by the department.

(C) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 236, Section 1.

## ARTICLE 93

### United We Stand Special License Plates

**SECTION 56-3-9300.** United We Stand license plates.

(A) The Department of Motor Vehicles may issue “United We Stand” special motor vehicle license plates to owners of private passenger-carrying motor vehicles and motorcycles registered in their names. The fee for each special license plate is twenty-five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Twenty-five dollars of the fee collected pursuant to this section must be distributed to the national “Rewards For Justice” fund which was created to establish rewards for the capture of terrorists.

(C) Before the department produces and distributes the “United We Stand” special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit;

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 236, Section 2; 2008 Act No. 347, Section 15, eff June 16, 2008.

ARTICLE 94

Special Morris Island Lighthouse License Plates

**SECTION 56-3-9400.** “Morris Island Lighthouse” license plates; fees; special fund for restoration and preservation of the Morris Island Lighthouse.

(A) The Department of Motor Vehicles may issue “Morris Island Lighthouse” special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate an emblem, a seal, or other symbol of the Morris Island Lighthouse. Save the Light, Inc. shall submit to the department for its approval the emblem, seal, or other symbol it desires to be used for this special license plate. Save the Light, Inc. may request a change in the emblem, seal, or other symbol not more than once every five years. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of one hundred dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to Save the Light, Inc., or another nonprofit fund designated by Save the Light, Inc., for the restoration and preservation of the Morris Island Lighthouse. Any remaining funds must be administered by Save the Light, Inc., used only for efforts to restore and preserve the Morris Island Lighthouse, and deposited in an appropriate nonprofit account designated by Save the Light, Inc.

(C) The department shall reserve the first twelve license plates for use by Save the Light, Inc.

(D) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(E) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 264, Section 2; 2008 Act No. 347, Section 36, eff June 16, 2008; 2016 Act No. 275 (S.1258), Section 68, eff July 1, 2016.

## ARTICLE 95

### God Bless America Special License Plates

**SECTION 56-3-9500.** God Bless America special license plates.

(A) The Department of Motor Vehicles may issue "God Bless America" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 and motorcycles registered in their names. The special license plates must bear the words "God Bless America", the United States Flag, and the silhouette of the State of South Carolina. Before this special license plate is produced, the department must receive written authorization for the use of any copyrighted words, registered logos, trademarks, or designs that appear on this license plate. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of sixteen dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to

be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be designated for use by the South Carolina National Guard for homeland security.

(C) Before the Department of Motor Vehicles produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 218, Section 1; 2008 Act No. 347, Sections 16, 37, eff June 16, 2008.

#### ARTICLE 96

#### “No More Homeless Pets” Special License Plates

**SECTION 56-3-9600.** “No More Homeless Pets” license plates; special fund to support local animal spaying and neutering programs; reporting requirements of Agriculture Department; requirements of entities seeking grant reimbursements.

(A) The Department of Motor Vehicles may issue “No More Homeless Pets” special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate “No More Homeless Pets”. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year,

and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year. The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(E) The Department of Agriculture annually shall provide an accounting and summary of this program to the Chairman of the Senate Agriculture and Natural Resources Committee and to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee before September first.

(F) A local private nonprofit animal spaying and neutering program that requests reimbursement for services related to this program shall provide to the SCACCA the name and address of each person who brought the animal to the program. Before the Department of Agriculture may send a reimbursement to the SCACCA, the SCACCA shall provide the Department of Agriculture a list of each individual who brought a pet in for spaying or neutering and the number of animals brought in by that individual for spaying or neutering.

HISTORY: 2002 Act No. 266, Section 1; 2005 Act No. 158, Section 4, eff June 10, 2005; 2008 Act No. 347, Section 38, eff June 16, 2008; 2016 Act No. 274 (S.980), Section 4, eff June 15, 2016; 2016 Act No. 275 (S.1258), Section 69, eff July 1, 2016.

## ARTICLE 97

### Heritage Classic Foundation Special License Plates

**SECTION 56-3-9710.** "Heritage Classic Foundation" license plates; fees; special fund for Heritage Classic Foundation.

(A) The Department of Motor Vehicles may issue Heritage Classic Foundation special license plates to owners of private passenger-carrying motor vehicles registered in their names. The fee for each special license plate is seventy-five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be

issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the Heritage Classic Foundation.

(C) Before the department produces and distributes the Heritage Classic Foundation special license plates pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department shall refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the respective license plate, the department shall retain the deposit;

(2) a plan to market the sale of the special license plate which must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it may not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2002 Act No. 264, Section 3; 2016 Act No. 275 (S.1258), Section 70, eff July 1, 2016.

## ARTICLE 98

### Breast Cancer Awareness Special License Plates

**SECTION 56-3-9800.** Breast cancer awareness special license plates authorized.

(A) The Department of Motor Vehicles may issue a special commemorative Breast Cancer Awareness motor vehicle license plate to establish a special fund to be used by the Department of Health and Environmental Control for the purpose of expanding the services provided by the Best Chance Network. The special license plates, which must be of the same size and general design of regular motor vehicle license plates, must be imprinted with the nationally recognized breast cancer symbol with numbers as the department may determine. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee as set forth in Article 5, Chapter 3 of this title.

(B) One-half of the seventy dollar biennial fee collected over that required by Article 5, Chapter 3 of this title must be deposited in a separate fund for the Department of Health and Environmental Control and be used solely to expand the services of the Best Chance Network. The remaining one-half of the fee must be distributed to the South Carolina chapter of the American Cancer Society.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or four thousand dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2006 Act No. 287, Section 2, eff May 23, 2006.

## ARTICLE 99

### Gold Star Family Special License Plates

**SECTION 56-3-9910.** Gold Star Family special license plates.

(A) The Department of Motor Vehicles may issue “Gold Star Family” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, registered in the names of members of the immediate family of United States armed forces killed in action. There is no fee for this special license plate. The license plates issued pursuant to this section must conform to a design agreed to by the department and the Chief Executive Officer of the South Carolina Chapter of American Gold Star Mothers, Inc. or other similar organization operating in this State, and contain letters or numbers, or both, requested by the applicant.

(B) Notwithstanding another provision of law, the provisions contained in Section 56-3-8000(B) and (C) do not apply to the production and distribution of “Gold Star Family” special license plates.

(C) For the purposes of this section, “members of the immediate family” means a person who is a parent, spouse, sibling, or child of an armed forces member killed in action. Each qualifying person is entitled to a limit of two “Gold Star Family” special license plates.

HISTORY: 2006 Act No. 398, Section 19, eff September 7, 2006; 2008 Act No. 347, Section 39, eff June 16, 2008; 2009 Act No. 79, Section 3, eff June 16, 2009; 2012 Act No. 253, Section 6, eff June 18, 2012.

## ARTICLE 100

### “Parrot Head” Special License Plates

**SECTION 56-3-10010.** “Parrot Head” special license plate authorized.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles or light pickups having an empty weight of six thousand pounds or less and a gross weight of nine thousand pounds or less registered in their names that shall have imprinted on the plate an emblem, seal, or other symbol associated with the South Carolina Parrot Head Club Council. The South Carolina Parrot Head Club Council must submit to the department written authorization to use a copyrighted or registered logo, trademark, or design on the special license plate. The South Carolina Parrot Head Club Council

may request a change in the emblem, seal, or other symbol not more than once every five years. The fee charged for the special license plate shall be adjusted as necessary to account for any additional expenses associated with a change in design. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) From the fees collected pursuant to this article, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses associated with producing and administering the distribution of the license plate. The remaining funds collected from the special motor vehicle license fee shall be distributed to the South Carolina Parrot Head Club Council, which shall only use the funds to support the Palmetto Chapter of the Alzheimer's Association and the Upstate South Carolina Chapter of the Alzheimer's Association.

(C) Notwithstanding the provisions contained in Section 56-3-8100, before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or four thousand dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the plate approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for the special license plate authorized by this article, it may not produce additional special license plates in this series. However, the department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2006 Act No. 286, Section 1, eff May 23, 2006; 2016 Act No. 275 (S.1258), Section 71, eff July 1, 2016.

## ARTICLE 101

### Operation Desert Storm-Desert Shield Veteran Special License Plates

**SECTION 56-3-10110.** Operation Desert Storm-Desert Shield special license plates.

(A) The department may issue "Operation Desert Storm-Desert Shield Veteran" special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Desert Storm-Desert Shield who served on active duty in the Persian Gulf at anytime during the period of August 2, 1990, to February 28, 1991. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Desert Storm-Desert Shield, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Desert Storm-Desert Shield. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 1, eff upon approval (became law without the Governor's signature on June 12, 2008).

## ARTICLE 102

### Operation Enduring Freedom Veteran Special License Plates

**SECTION 56-3-10210.** Operation Enduring Freedom Veteran special license plates.

(A) The department may issue "Operation Enduring Freedom Veteran" special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Enduring Freedom who served on active duty fighting against terrorism at anytime following September 11, 2001, until the operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty during Operation Enduring Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Enduring Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 2, eff upon approval (became law without the Governor's signature on June 12, 2008).

## ARTICLE 103

### Operation Iraqi Freedom Veteran Special License Plates

**SECTION 56-3-10310.** Operation Iraqi Freedom Veteran special license plates.

(A) The department may issue "Operation Iraqi Freedom Veteran" special motor vehicle license plates to owners of private passenger-carrying motor vehicles or light pickups as defined in Section 56-3-630 registered in their names who are veterans of Operation Iraqi Freedom who served on active duty in Iraq or the Persian Gulf at anytime from March 20, 2003, until the

operation is completed. The motor vehicle owner must present the department with a DD214, or other official documentation that states that he served on active duty in Iraq during Operation Iraqi Freedom, along with his application for this special license plate. The special license plate may have imprinted on it an emblem, a seal, or other symbol that honors veterans of Operation Iraqi Freedom. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state's general fund.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 3, eff upon approval (became law without the Governor's signature on June 12, 2008).

#### ARTICLE 104 Veteran License Plates

##### **SECTION 56-3-10410.** Veteran license plates.

(A) The department may issue a "Veteran" special motor vehicle license plate for use on a private passenger motor vehicle, as defined in Section 56-3-630, or motorcycle as defined in Section 56-3-20, registered in a person's name in this State who served in the United States Armed Forces, active or reserve components, and who was honorably discharged from service. An application for this special motor vehicle license plate must include official military documentation showing the applicant was honorably discharged from service. Only four plates may be issued to a person.

(B) The requirements for production, collection and distribution of fees for a special license plate under this section are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the word "Veteran", with numbers the department may determine.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished

by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

(E) If a person who qualifies for the special license plate issued under this section also meets all requirements for the handicapped license plate issued pursuant to Section 56-3-1910 (B), then the license plate issued pursuant to this section also shall include the distinguishing wheelchair symbol used on license plates issued pursuant to Section 56-3-1910(B).

(F) If a person who qualifies for a special license plate issued under this section also is certified by the Veterans' Administration or County Veterans' Affairs office with a service-related disability, then the license plate issued under this section shall also include the word "disabled".

HISTORY: 2008 Act No. 297, Section 4, eff upon approval (became law without the Governor's signature on June 12, 2008); 2012 Act No. 272, Section 17, eff December 26, 2012; 2013 Act No. 56, Section 3, eff June 12, 2013.

#### ARTICLE 105

#### "I Believe" Special License Plates

**SECTION 56-3-10510.** "I Believe" special license plates.

The Department of Motor Vehicles may issue "I Believe" special motor vehicle license plates to owners of private motor vehicles registered in their names. The plate must contain the words "I Believe" and a cross superimposed on a stained glass window. The biennial fee for this special license plate is the same as the fee provided in Article 5, Chapter 3 of this title. The guidelines for the production of this special license plate must meet the requirements contained in Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 6, eff upon approval (became law without the Governor's signature on June 12, 2008).

Validity

For validity of this section, see *Summers v. Adams*, 669 F.Supp.2d 637 (D. S.C. 2009).

#### ARTICLE 106

#### Silver Star Special License Plates

**SECTION 56-3-10610.** Silver Star special license plate.

(A) The Department of Motor Vehicles may issue "Silver Star" special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Silver Star. The motor vehicle owner must present the department with a DD214, or other official documentation that states that the owner received the Silver Star, along with the owner's application for this special license plate. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain the words "combat veteran" and an illustration of the Silver Star.

(B) The production and issuance of this special license plate are exempt from the provisions contained in Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 7, eff upon approval (became law without the Governor's signature on June 12, 2008); 2016 Act No. 186 (H.3927), Section 4, eff May 25, 2017.

ARTICLE 107  
Bronze Star Special License Plates

**SECTION 56-3-10710.** Bronze Star special license plate.

(A) The Department of Motor Vehicles may issue "Bronze Star" special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Bronze Star. The motor vehicle owner must present the department with a DD214, or other official documentation that states that the owner received the Bronze Star, along with the owner's application for this special license plate. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain the words "combat veteran" and an illustration of the Bronze Star.

(B) The production and issuance of this special license plate are exempt from the provisions contained in Section 56-3-8100.

HISTORY: 2008 Act No. 297, Section 8, eff upon approval (became law without the Governor's signature on June 12, 2008); 2016 Act No. 186 (H.3927), Section 5, eff May 25, 2017.

ARTICLE 108  
South Carolina Tennis Patrons Foundation Special License Plates

**SECTION 56-3-10810.** South Carolina Tennis Patrons Foundation special license plates; fees.

(A) The Department of Motor Vehicles may issue "Play Tennis" special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles registered in their names which shall have imprinted on them an emblem, seal, symbol, or wording relating to the South Carolina Tennis Patrons Foundation. The South Carolina Tennis Patrons Foundation shall submit to the department for its approval the emblem, seal, symbol, or wording it desires to be used for this special license plate. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the South Carolina Tennis Patrons Foundation and must be used to fund kids-at-risk programs throughout the State, need-based grants for junior tennis players, and academic scholarships for high school seniors.

(C) The guidelines for the production of a special license plate pursuant to this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 253, Section 1, eff June 18, 2012.

ARTICLE 109  
“Tree My Dog” Special License Plates

**SECTION 56-3-10910.** Tree My Dog special license plates; fees.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names which must have imprinted on the plate “Tree My Dog”. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56-3-8100. The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina State Coon Hunters Association Youth Fund.

HISTORY: 2012 Act No. 253, Section 3, eff June 18, 2012.

ARTICLE 110  
United States Navy Chief Petty Officer Special License Plates

**SECTION 56-3-11010.** United States Navy Chief Petty Officer special license plates; fees.

(A) The Department of Motor Vehicles may issue “United States Navy Chief Petty Officer” special license plates to owners of private passenger carrying motor vehicles as defined in Section 56-3-630, and motorcycles as defined in Section 56-3-20, registered in their names who are active or retired United States Navy Chief Petty Officers. The applicant must present the department with a DD214 or other official documentation that states that he is an active or retired United States Navy Chief Petty Officer. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Patriots Point Foundation.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 253, Section 4, eff June 18, 2012.

ARTICLE 111  
United States Marine Corps Special License Plates

**SECTION 56-3-11110.** United States Marine Corps special license plates; fees.

(A) The department may issue special license plates for use on private passenger motor vehicles and motorcycles owned or leased by residents of this State which honor the United States Marines Corps. The biennial fee for the special license plate is the regular motor vehicle license plate fee contained in Article 5, Chapter 3 of this title plus thirty dollars.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Moss Creek Marines, a 501(C)(3) organization.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 253, Section 7, eff June 18, 2012.

ARTICLE 112  
“Distinguished Service Medal” Special License Plates

**SECTION 56-3-11210.** Distinguished Service Medal special license plates.

(A) The Department of Motor Vehicles may issue “Distinguished Service Medal” special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Distinguished Service Medal. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Medal. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Medal. Not more than two license plates may be issued to a person.

(B) This special license plate is exempt from the provisions contained in Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 1, eff December 26, 2012.

ARTICLE 113  
“Second Amendment” Special License Plates

**SECTION 56-3-11310.** Second Amendment special license plates.

(A) The Department of Motor Vehicles may issue “Second Amendment” special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Criminal Justice Academy.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 2, eff December 26, 2012.

ARTICLE 114  
“Historic” Special Motor Vehicle License Plates

**SECTION 56-3-11410.** Historic special license plates.

The Department of Motor Vehicles may issue a “Historic” special motor vehicle license plate for use on a private passenger carrying motor vehicle, as defined in Section 56-3-630, or a

motorcycle as defined in Section 56-3-20, that is twenty-five years of age or older at the time of applying for the special plate. The applicant for a “Historic” license plate must be the owner of the motor vehicle or motorcycle and must be a resident of this State.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

**SECTION 56-3-11420.** Size and design of Historic special license plate; expiration.

The special license plate must be of the same size and general design as a regular motor vehicle or motorcycle license plate. The Department of Motor Vehicles shall imprint the special license plates with the word “Historic”, with numbers the department may determine. The license plate must be for a biennial period that expires twenty-four months from the month it is issued.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

**SECTION 56-3-11430.** Transfer of Historic special license plate.

A license plate issued pursuant to this article may be transferred to another vehicle or motorcycle that meets the requirements of Section 56-3-1240, and is owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for any person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle or motorcycle except the one authorized by the department.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

**SECTION 56-3-11440.** Exemptions; penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles or motorcycles as required by other provisions of this chapter, but are cumulative to those other provisions. Any person violating the provisions of this article or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (b) conceals a material fact, or (c) otherwise commits fraud in the application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

**SECTION 56-3-11450.** Fees.

The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty-five dollars. Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

**SECTION 56-3-11460.** Guidelines.

The guidelines for the production, collection and distribution of fees for a “Historic” special license plate must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 3, eff December 26, 2012.

ARTICLE 115

“Distinguished Service Cross” Special License Plates

**SECTION 56-3-11510.** Distinguished Service Cross special license plates.

(A) The Department of Motor Vehicles may issue “Distinguished Service Cross” special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names who have been awarded the Distinguished Service Cross. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain an illustration of the Distinguished Service Cross. The application for this special license plate must include proof that the applicant is a recipient of the Distinguished Service Cross. Not more than two license plates may be issued to a person.

(B) This special license plate is exempt from the provisions contained in Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 4, eff December 26, 2012.

ARTICLE 116

“Department of the Navy” Special License Plates

**SECTION 56-3-11610.** Department of the Navy special license plates.

(A) The Department of Motor Vehicles may issue “Department of the Navy” special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 5, eff December 26, 2012.

ARTICLE 117

“Parents and Spouses of Active Duty Overseas Veterans”

Special License Plates

**SECTION 56-3-11710.** Parents and Spouses of Active Duty Overseas Veterans special license plates.

(A) The Department of Motor Vehicles may issue “Parents and Spouses of Active Duty Overseas Veterans” special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 6, eff December 26, 2012.

#### ARTICLE 118 “State Flag” Special License Plates

**SECTION 56-3-11810.** State Flag special license plates.

(A) The Department of Motor Vehicles may issue special “State Flag” motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the state flag. The blue used for the license plate must be the official state color as established in Section 1-1-710.

(C) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(D) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 7, eff December 26, 2012.

#### ARTICLE 119 “South Carolina Highway Patrol-Retired” License Plates

**SECTION 56-3-11910.** South Carolina Highway Patrol-Retired special license plates.

(A) The Department of Motor Vehicles may issue “South Carolina Highway Patrol-Retired” license plates for use on private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in a person’s name in this State who served as a South Carolina Highway Patrolman or State Trooper and who honorably retired. An application for this special motor vehicle license plate must include certification from the South Carolina Highway Patrol that the applicant honorably retired.

(B) The requirements for production, collection and distribution of fees for a license plate are those set forth in Section 56-3-8100. The Department of Motor Vehicles shall imprint the special license plates with the insignia of the South Carolina Highway Patrol and the words "South Carolina Highway Patrol-Retired" with numbers the department may determine.

(C) Only one special license plate authorized by this section may be issued to a person. A license plate issued pursuant to this section may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles.

(D) Any person issued a special license plate pursuant to this section who is convicted of any felony, classified misdemeanor, traffic violation requiring a suspension of driving privileges, crime involving dishonesty or moral turpitude, or other crime punishable by imprisonment for one year or more, shall surrender the special license plate to the Department of Motor Vehicles within three days of the date of the conviction.

(E) The provisions of this section do not affect the registration and licensing of motor vehicles required by other provisions of this chapter, but are cumulative to those other provisions.

(F) A person violating the provisions of this section or a person who:

(1) fraudulently gives false or fictitious information in any application for a special license plate authorized by this section;

(2) conceals a material fact or otherwise commits fraud in the application for a special license plate issued pursuant to this section;

(3) permits the special license plate to be displayed on any vehicle except the one authorized by the Department of Motor Vehicles; or

(4) who fails to surrender the special license plate as required by this section, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both.

HISTORY: 2012 Act No. 272, Section 8, eff December 26, 2012.

## ARTICLE 120

### "I Support Libraries" Special License Plates

**SECTION 56-3-12010.** "I Support Libraries" special license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names which must have imprinted on the plate "I Support Libraries". This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be equally distributed between the South Carolina Association of School Librarians and the South Carolina Library Association.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 10, eff December 26, 2012.

ARTICLE 121  
“South Carolina Educator” Special License Plates

**SECTION 56-3-12110.** South Carolina Educator special license plates.

(A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names which must have imprinted on the plate “South Carolina Educator”. The application for this special license plate must include proof that the applicant is a public or private kindergarten through twelfth grade school teacher. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 11, eff December 26, 2012.

ARTICLE 122  
“Beach Music” Special License Plates

**SECTION 56-3-12210.** Beach Music special license plates.

(A) The Department of Motor Vehicles may issue “Beach Music” special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, and motorcycles as defined in Section 56-3-20, registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol chosen by the department in consultation with the South Carolina Arts Commission reflecting the status of beach music as the official state popular music pursuant to Section 1-1-689. License plate number “one” for the beach music license plate is reserved for the president of the Beach Music Association International or its successor organization if that individual is otherwise eligible to register a qualifying motor vehicle in this State. License plate number “two” for the beach music license plate is reserved for the Chairman of the Board of Trustees of Coastal Carolina University if that individual is otherwise eligible to register a motor vehicle in this State. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of twenty dollars.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the general fund.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 12, eff December 26, 2012.

ARTICLE 123

## Citadel Alumni Association “Big Red” Special License Plates

**SECTION 56-3-12310.** Citadel Alumni Association “Big Red” special license plates.

(A) The Department of Motor Vehicles may issue Citadel Alumni Association “Big Red” special license plates to owners of private passenger carrying motor vehicles as defined in Section 56-3-630, and motorcycles as defined in Section 56-3-20, registered in their names. The fee for each special license plate is seventy-five dollars every two years in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3 of this title. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the Citadel Alumni Association.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 13, eff December 26, 2012.

## ARTICLE 124

### “Largemouth Bass” Special License Plates

**SECTION 56-3-12410.** Largemouth Bass special license plates.

(A) The Department of Motor Vehicles may issue “Largemouth Bass” special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names. The license plate shall have the image of a largemouth bass imprinted on it. The design of the plate and the largemouth bass image utilized must be selected through a public process conducted by the Department of Natural Resources. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) The fees collected pursuant to this section above the cost of production must be distributed to the Department of Natural Resources, which only shall use the funds to promote bass fishing throughout the State.

(C) The guidelines for the production, collection and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 14, eff December 26, 2012.

## ARTICLE 125

### High School Special License Plates

**SECTION 56-3-12510.** High School special license plates.

(A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in a person’s name, special motor vehicle license plates which may have imprinted on them an

emblem, a seal, or other symbol the department considers appropriate of a public or independent high school located in this State. A school may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. A school also may request a change in the emblem, seal, or other symbol once the existing inventory of the license plate has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued.

(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective high schools. Each fund must be administered by the school and may be used only for academic scholarships. Funds collected for state schools must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution is thirty dollars to the department and forty dollars to the school for each special license plate sold for the respective school.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 18, eff December 26, 2012.

## ARTICLE 126

### “South Carolina Wildlife Federation” Special License Plates

**SECTION 56-3-12610.** South Carolina Wildlife Federation special license plates.

(A) The Department of Motor Vehicles may issue “South Carolina Wildlife Federation” or “Palmetto Wild” or both, special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names which may have imprinted on them an emblem, seal, symbol, or design of the South Carolina Wildlife Federation. The South Carolina Wildlife Federation must submit to the department for its approval the emblem, seal, symbol, or design it wishes to display on the plates. The South Carolina Wildlife Federation must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The South Carolina Wildlife Federation may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty-four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the department to defray the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Wildlife Federation for conservation programs in South Carolina.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 19, eff December 26, 2012.

ARTICLE 127  
“Dr. Mary McLeod Bethune” Special License Plates

**SECTION 56-3-12710.** Dr. Mary McLeod Bethune special license plates.

(A) The Department of Motor Vehicles may issue “Dr. Mary McLeod Bethune” special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names which shall have imprinted on burgundy and gold license plates “Dr. Mary McLeod Bethune” and her image, her year of birth, and her year of death. Twin City Outreach Mission shall submit to the department for its approval a design it desires to be used for this special license plate. Twin City Outreach Mission may request a change in the design not more than once every five years. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed in the following manner:

(1) seventy-five percent to Twin City Outreach Mission to:

(a) fund the construction and operation of the Dr. Mary McLeod Bethune Museum and Restaurant;

(b) fund the construction of the Dr. Mary McLeod Bethune Nature Trail;

(c) promote tourism in the Town of Mayesville, Sumter County, South Carolina; and

(d) promote other projects related to Dr. Mary McLeod Bethune, tourism that will impact economic development and job creation for the citizens of Mayesville, Sumter County, and South Carolina; and

(2) twenty-five percent to the Town of Mayesville to be used for operational and program opportunity matching funds.

HISTORY: 2012 Act No. 272, Section 24, eff December 26, 2012.

ARTICLE 128  
Gadsden Flag License Plates

**SECTION 56-3-12810.** Gadsden Flag special license plates.

(A) The Department of Motor Vehicles may issue “Gadsden Flag” motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630 and motorcycles as defined in Section 56-3-20 registered in their names. The fee for this special license plate is twenty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and shape of regular motor vehicle license plates. This special license plate must

be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The design of the license plate must replicate the color, layout, and design of the Gadsden flag and contain the words “Don’t Tread on Me” below a coiled rattlesnake.

(C) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the State Museum. The State Museum must use the fees only to help fund programs and exhibits dedicated to the Revolutionary War and our state’s role in the Revolutionary War.

(D) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56-3-8100.

(E) If the department receives fewer than three hundred biennial applications and renewals for this special license plate, it may not produce additional special license plates in this series. The department shall continue to issue special license plates of this series until the existing inventory is exhausted.

HISTORY: 2012 Act No. 272, Section 25, eff December 26, 2012.

#### ARTICLE 129

##### “Active Duty Members of the United States Armed Forces” Special License Plates

**SECTION 56-3-12910.** Active Duty Members of the United States Armed Forces special license plates.

The Department of Motor Vehicles may issue “Active Duty Members of the United States Armed Forces” special license plates for use on private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, owned by any active member of the United States Armed Forces who is a resident of this State. The motor vehicle owner must present the department with official documentation that states that he is serving on active duty along with his application for this special license plate. The guidelines for the production and distribution of this special license plate must meet the requirements contained in Section 56-3-8100.

HISTORY: 2012 Act No. 272, Section 26, eff December 26, 2012.

#### ARTICLE 130

##### “2010-11 Baseball National Champions” Special License Plates

**SECTION 56-3-13010.** 2010-11 Baseball National Champions special license plates.

(A) The Department of Motor Vehicles may issue “2010-11 Baseball National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) The University of South Carolina may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate, provided that the phrase “2010-11 National Baseball Champions” must be utilized on the plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of

the additional seventy-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the fund established for the University of South Carolina pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D) License number “1” for the “2010-11 Baseball National Champions” license plate is reserved for the University of South Carolina Head Baseball Coach.

HISTORY: 2012 Act No. 272, Section 27, eff December 26, 2012.

#### ARTICLE 131

#### “Combat-Related Disabled Veteran” Special License Plates

**SECTION 56-3-13110.** Combat-Related Disabled Veteran special license plates.

(A) The Department of Motor Vehicles may issue “Combat-Related Disabled Veteran” special motor vehicle license plates for use on private passenger motor vehicles or motorcycles registered in a person’s name in this State who is a veteran classified as at least fifty percent disabled due to a combat-related injury as determined from medical records on file with the United States Department of Veterans Affairs. An application for these special motor vehicle license plates must include official military documentation showing the applicant has at least a fifty percent combat-related disability and who was honorably discharged from service. Only two plates may be issued to a person.

(B) The provision in Section 56-3-8100 that requires the department to receive a deposit for a special license plate before it may be produced does not apply for the production of this special license plate. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title. The Department of Motor Vehicles shall imprint the special license plates with the words “Combat-Related Disabled Veteran”, with numbers the department may determine.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and being approved by the Department of Motor Vehicles. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

HISTORY: 2012 Act No. 272, Section 28, eff December 26, 2012.

#### ARTICLE 132

#### Special License Plates for Recipients of the Distinguished Flying Cross

**SECTION 56-3-13210.** Recipients of the Distinguished Flying Cross special motor vehicle license plates.

(A) The Department of Motor Vehicles may issue a special motor vehicle license plate to a recipient of the Distinguished Flying Cross. The biennial fee for the special license plate is the same as the fee provided for in Section 56-3-2020 plus the regular registration fee contained in Article 5, Chapter 3, and only one plate may be issued to a person. The application for a special plate must include proof that the applicant is a recipient of the Distinguished Flying Cross.

(B) The special license plates must be of the same size as regular motor vehicle license plates, upon which must be imprinted on the left side of the plates the distinctive Distinguished Flying Cross insignia with numbers and designs determined by the department. The license plate must be issued for a biennial period which shall expire twenty-four months from the month in which the special license plate is issued.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the department. It is unlawful for a person to whom the special plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) This special license plate is exempt from the provisions contained in Section 56-3-8100, except that the department may retain its cost for the license plate from the special license plate fee authorized in subsection (A). The department also may require, if necessary, that written authorization be provided to the department to use a logo, trademark, or design that is a copyrighted or registered emblem, seal, or other symbol to be used to appear on the license plate.

(E) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to them. A person who violates the provisions of this article or who:

(1) fraudulently gives false or fictitious information in an application for a special license plate authorized in this article;

(2) conceals a material fact; or

(3) otherwise commits a fraud in an application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 2013 Act No. 56, Section 1, eff September 12, 2013.

## ARTICLE 133

### Motorcycle Awareness Alliance Special License Plates

**SECTION 56-3-13310.** “Motorcycle Awareness Alliance” special motor vehicle license plates.

(A) The Department of Motor Vehicles may issue “Motorcycle Awareness Alliance” special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names which may have imprinted on the plate the Motorcycle Awareness Alliance emblem. The Motorcycle Awareness Alliance shall submit to the department for its approval the proposed design it desires to be used for this special license plate. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license plate fee of thirty dollars. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or

revalidated for a biennial period which expires twenty-four months from the month the special license plate is issued.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license plate fee must be distributed to the Motorcycle Awareness Alliance for the promotion of motorcycle safety, education and awareness programs and deposited into an appropriate nonprofit account designated by the Motorcycle Awareness Alliance.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56-3-8100.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

HISTORY: 2013 Act No. 56, Section 4, eff June 12, 2013.

#### ARTICLE 134

##### S.C. Riverkeepers Special License Plates

**SECTION 56-3-13410.** S.C. Riverkeepers special license plates.

(A) The Department of Motor Vehicles may issue S.C. Riverkeepers special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names which shall have a blue background and imprinted on them in white “S.C. Riverkeepers”, “Keep Our Rivers Clean”, a crescent moon, and a palmetto tree. The fee for this special license plate is thirty dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The additional fees collected pursuant to this section above the cost of production must be distributed equally to the Congaree Riverkeeper, Charleston Waterkeeper, Waccamaw Riverkeeper, Savannah Riverkeeper, Catawba Riverkeeper, and Santee Riverkeeper organizations.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2013 Act No. 56, Section 5, eff December 12, 2013.

#### ARTICLE 135

##### Autism Awareness Special License Plates

**SECTION 56-3-13510.** Short title.

This article may be cited as the “Savannah Lee Monroe Autism Awareness Special License Plates Act”.

HISTORY: 2013 Act No. 56, Section 6, eff June 12, 2013.

**SECTION 56-3-13520.** “Autism Awareness” special motor vehicle license plates.

(A) The Department of Motor Vehicles may issue “Autism Awareness” special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56-3-8100. The fees collected pursuant to this section above the cost of producing the license plates must be distributed to the South Carolina Autism Society.

HISTORY: 2013 Act No. 56, Section 6, eff June 12, 2013.

#### ARTICLE 136

##### South Carolina Stands with Israel Special License Plates

**SECTION 56-3-13610.** “South Carolina Stands with Israel” special license plates.

(A) The Department of Motor Vehicles may issue “South Carolina Stands with Israel” special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56-3-8100. Any portion of the fees collected pursuant to this article, not set aside by the Comptroller General to defray the expenses associated with producing and administering the distribution of the license plate, must be distributed to Chabad of Charleston, Inc.

HISTORY: 2014 Act No. 202 (H.4383), Section 1, eff June 2, 2014.

#### ARTICLE 137

##### American Red Cross Special License Plates

**SECTION 56-3-13710.** American Red Cross special motor vehicle license plates.

(A) The Department of Motor Vehicles may issue American Red Cross special motor vehicle license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license plate fee must be disbursed to the American Red Cross.

(C) Notwithstanding another provision of law, the requirements for production, collection, and distribution of fees for these license plates are those set forth in Section 56-3-8100.

(D) The department shall imprint the special license plates with the distinctive Red Cross emblem approved by the American Red Cross along with the words or text, "Proud Supporter of the American Red Cross" written at the top of the special license plates.

HISTORY: 2015 Act No. 55 (H.3264), Section 1, eff June 3, 2015; 2016 Act No. 275 (S.1258), Section 72, eff July 1, 2016.

#### ARTICLE 138

##### Chase Away Childhood Cancer Special License Plates

**SECTION 56-3-13810.** Chase Away Childhood Cancer special license plates; fees.

(A) The Department of Motor Vehicles may issue "Chase Away Childhood Cancer" motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630 and motorcycles as defined in Section 56-3-20 registered in their names. The fee for this special license plate is fifty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and shape of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to Chase After a Cure.

(C) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56-3-8100.

HISTORY: 2016 Act No. 186 (H.3927), Section 6, eff May 25, 2017.

#### ARTICLE 139

##### Special Personalized Motor Vehicle License Plates

**SECTION 56-3-13910.** Special personalized motor vehicle license plates; fee; design.

(A) The department may issue special personalized motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630, and motorcycles as defined in Section 56-3-20, registered in their names for any special organizational plate authorized pursuant to Section 56-3-8000, Section 56-3-8100, or any other organizational plate authorized by law. In order for a specialized license plate to be personalized, the sponsoring organization, if there is one, must agree to make the license plate available for personalization. The person requesting the special personalized license plate must meet all of the requirements to obtain the specialty license plate.

(B) The fee for all special personalized organizational license plates created pursuant to this section is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional biennial personalization fee of thirty dollars, in addition to any special fee associated with the selected plate design. The Comptroller General shall place twenty dollars of the special personalized organizational license plate fee in a special restricted account to be used by the department to defray the expenses of the department. The remaining ten dollars of the personalization fee must be distributed to the sponsoring organization. The department may not refund the fee once the personalized license plate has been manufactured.

(C) The license plate design must be identical to the design approved by the department for the organizational license plate, but the license plate will bear the requested number or letter combination subject to approval by the department. There may be no duplication of registration license plate letter or number combinations. The department, in its discretion, may refuse the issue of letter or number combinations which may carry connotations offensive to good taste and decency.

HISTORY: 2016 Act No. 186 (H.3927), Section 1, eff May 25, 2017.

#### ARTICLE 140

##### “Clemson University 2016 Football National Champions” Special License Plates

**SECTION 56-3-14010.** Clemson University 2016 Football National Champions special license plates.

(A) The Department of Motor Vehicles shall issue “Clemson University 2016 Football National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) Clemson University may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for Clemson University pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D) License number “1” for the “Clemson University 2016 Football National Champions” license plate is reserved for the Clemson University Head Football Coach.

HISTORY: 2017 Act No. 1 (S.263), Section 1, eff March 10, 2017.

#### ARTICLE 141

##### “2016 Baseball National Champions” Special License Plates

**SECTION 56-3-14110.** 2016 Baseball National Champions special license plates.

(A) The Department of Motor Vehicles shall issue “2016 Baseball National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles, as defined in Section 56-3-20, registered in their names.

(B) Coastal Carolina University may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate, provided that the phrase “2016 Baseball National Champions” must be utilized on the plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for Coastal Carolina University pursuant to Section 56-3-3710(B), used for the purposes provided in that section.

(D) License number “1” for the “2016 Baseball National Champions” license plate is reserved for the Coastal Carolina University Head Baseball Coach.

HISTORY: 2017 Act No. 5 (S.365), Section 1, eff April 5, 2017.

#### ARTICLE 142

##### “University of South Carolina 2017 Women’s Basketball National Champions” Special License Plates

**SECTION 56-3-14210.** University of South Carolina 2017 Women’s Basketball National Champions special license plates.

(A) The Department of Motor Vehicles shall issue “University of South Carolina 2017 Women’s Basketball National Champions” special license plates to owners of private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in their names.

(B) The University of South Carolina may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside to defray costs of production and distribution must be distributed to the fund established for the University of South Carolina pursuant to Section 56-3-3710(B) used for the purposes provided in that section.

(D) License number “1” for the “University of South Carolina 2017 Women’s Basketball National Champions” license plate is reserved for the University of South Carolina Women’s Basketball Coach.

HISTORY: 2017 Act No. 21 (S.617), Section 1, eff May 9, 2017.

#### ARTICLE 143

##### “Palmetto Cross” Special License Plates

Code Commissioner’s Note

At the direction of the Code Commissioner, Article 140, as added by 2017 Act No. 65, Section 1, was redesignated as Article 143 to accommodate the addition of Article 140 added by 2017 Act No. 1, Section 1.

**SECTION 56-3-14310.** Palmetto Cross Medal special license plates; fees.

The department may issue no more than three permanent special motor vehicle license plates to a recipient of the Palmetto Cross Medal for use on his private passenger motor vehicles, as defined in Section 56-3-630, or motorcycles as defined in Section 56-3-20, registered in his name. There is no fee for the issuance of up to two license plates, and not more than three license plates may be issued to a person. The fee for the third plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars. The application for a special license plate must include proof that the applicant is a recipient of the Palmetto Cross Medal.

HISTORY: 2017 Act No. 65 (H.3256), Section 1, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14010, as added by 2017 Act No. 65, Section 1, was redesignated as Section 56-3-14310 to accommodate the addition of Section 56-3-14010 added by 2017 Act No. 1, Section 1.

**SECTION 56-3-14320.** Size of plates; handicapped qualification.

(A) The special license plates must be of the same size as regular motor vehicle license plates, upon which must be imprinted on the left side of the plates the distinctive Palmetto Cross Medal insignia with numbers and designs determined by the Department of Motor Vehicles.

(B) If a person who qualifies for the special license plate issued under this article also qualifies for the handicapped license plate issued pursuant to Section 56-3-1960(1), then the license plate issued pursuant to this section also shall include the distinguishing symbol used on license plates issued pursuant to Section 56-3-1960(1).

HISTORY: 2017 Act No. 65 (H.3256), Section 1, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14020, as added by 2017 Act No. 65, Section 1, was redesignated as Section 56-3-14320 to accommodate the addition of Article 140 added by 2017 Act No. 1, Section 1.

**SECTION 56-3-14330.** Transfer of special license plate to another vehicles; unauthorized use.

A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the Department of Motor Vehicles. It is unlawful for any person to whom the special license plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

HISTORY: 2017 Act No. 65 (H.3256), Section 1, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14030, as added by 2017 Act No. 65, Section 1, was redesignated as Section 56-3-14330 to accommodate the addition of Article 140 added by 2017 Act No. 1, Section 1.

**SECTION 56-3-14340.** Provisions cumulative to other license provisions; prohibited acts; penalties.

The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to them. Any person violating the provisions of this article or any person who fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, conceals a material fact, or otherwise commits a fraud in any application or in the use of any special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 2017 Act No. 65 (H.3256), Section 1, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14040, as added by 2017 Act No. 65, Section 1, was redesignated as Section 56-3-14340 to accommodate the addition of Article 140 added by 2017 Act No. 1, Section 1.

#### ARTICLE 144

##### "Legion of Merit" Special License Plates

Code Commissioner's Note

At the direction of the Code Commissioner, Article 141, as added by 2017 Act No. 65, Section 3, was redesignated as Article 144 to accommodate the addition of Article 141 added by 2017 Act No. 5, Section 1.

#### **SECTION 56-3-14410.** Legion of Merit special license plates.

(A) The department may issue a "Legion of Merit" special motor vehicle license plate for use on a private passenger motor vehicle or motorcycle registered in this State in a person's name who is a recipient of the Legion of Merit award. An application for this special motor vehicle license plate must include official documentation showing that the applicant is a recipient of the Legion of Merit award.

(B) The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The department shall imprint on the special license plates "Legion of Merit" and the corresponding Legion of Merit medal.

(C) A license plate issued pursuant to this article may be transferred to another vehicle of the same weight class owned by the same person upon application being made and approved by the department. It is unlawful for a person to whom the plate has been issued to knowingly permit it to be displayed on any vehicle except the one authorized by the department.

(D) The provisions of this article do not affect the registration and licensing of motor vehicles as required by other provisions of this chapter but are cumulative to those other provisions. A person violating the provisions of this article or a person who (1) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this article, (2) conceals a material fact, or (3) otherwise commits fraud in the application or in the use of a special license plate issued is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both.

HISTORY: 2017 Act No. 65 (H.3256), Section 3, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14110, as added by 2017 Act No. 65, Section 3, was redesignated as Section 56-3-14410 to accommodate the addition of Section 56-3-14110 added by 2017 Act No. 5, Section 1.

#### ARTICLE 145

##### “Virginia Tech” Special License Plates

###### Code Commissioner’s Note

At the direction of the Code Commissioner, Article 142, as added by 2017 Act No. 65, Section 5, was redesignated as Article 145 to accommodate the addition of Article 142 added by 2017 Act No. 21, Section 1.

###### **SECTION 56-3-14510.** Virginia Tech special license plates.

(A) The Department of Motor Vehicles may issue “Virginia Tech” special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names. The fee for each special license plate is seventy dollars every two years, in addition to the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Each license plate must be of the same size and general design as regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) The fees collected in excess of the cost of producing the license plates must be distributed to the South Carolina Palmetto Chapter of Virginia Tech.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2017 Act No. 65 (H.3256), Section 5, eff May 19, 2017.

###### Code Commissioner’s Note

At the direction of the Code Commissioner, Section 56-3-14210, as added by 2017 Act No. 65, Section 5, was redesignated as Section 56-3-14510 to accommodate the addition of Section 56-3-14210 added by 2017 Act No. 21, Section 1.

#### ARTICLE 146

##### “Powering the Palmetto State” Special License Plates

###### Code Commissioner’s Note

At the direction of the Code Commissioner, Article 143, as added by 2017 Act No. 65, Section 2, was redesignated as Article 146 to accommodate the redesignation of Article 140 added by 2017 Act No. 65, Section 1.

###### **SECTION 56-3-14610.** Powering the Palmetto State special license plates.

(A) The Department of Motor Vehicles may issue “Powering the Palmetto State” special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56-3-630, and motorcycles, as defined in Section 56-3-20, registered in their names. The fee for each special license plate is the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. The Electric Cooperatives of South Carolina, Inc., shall submit to the department for its approval the proposed design it desires to be used for this special license plate honoring the work of South Carolina’s electrical linemen.

(B) Each special license plate must be of the same size and general design as regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(C) The guidelines for the production, collection, and distribution of fees for a special license plate under this section must meet the requirements of Section 56-3-8100.

HISTORY: 2017 Act No. 65 (H.3256), Section 2, eff May 19, 2017.

Code Commissioner's Note

At the direction of the Code Commissioner, Section 56-3-14310, as added by 2017 Act No. 65, Section 2, was redesignated as Section 56-3-14610 to accommodate the redesignation of Section 56-3-14310 added by 2017 Act No. 65, Section 1.

## CHAPTER 5 Uniform Act Regulating Traffic on Highways

### ARTICLE 1 General Provisions

**SECTION 56-5-10.** Short title.

This chapter may be cited as the "Uniform Act Regulating Traffic on Highways."

HISTORY: 1962 Code Section 46-681; 1952 Code Section 46-681; 1949 (46) 466.

**SECTION 56-5-20.** Applicability of chapter to vehicles operated upon highways; exceptions.

The provision of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, except:

- (1) When a different place is specifically referred to in a given section; and
- (2) That the provisions of Articles 9 and 23 shall apply upon highways and elsewhere throughout the State.

HISTORY: 1962 Code Section 46-288; 1952 Code Section 46-288; 1949 (46) 466.

**SECTION 56-5-30.** Chapter applicable and uniform throughout State; local regulations.

The provisions of this chapter shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, subject to the limitations prescribed in Section 56-5-930, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

HISTORY: 1962 Code Section 46-281; 1952 Code Section 46-281; 1949 (46) 466.

**SECTION 56-5-40.** Applicability of chapter to roads on Atomic Energy Commission lands in Aiken, Allendale, and Barnwell counties.

All the provisions of this chapter, except Articles 27, 33, 37, and 39 and Section 56-5-910, apply to all roads within the confines of lands in Aiken, Allendale, and Barnwell counties

acquired or to be acquired by the United States Government for use of the Department of Energy.

HISTORY: 1962 Code Section 46-281.1; 1956 (49) 1581; 1990 Act No. 598, Section 7.

**SECTION 56-5-50.** Applicability of chapter to operation of mopeds.

With the exception of Articles 35 and 37, the provisions of Chapter 5 of Title 56 govern the operation of mopeds on the public highways and streets of this State.

HISTORY: 1986 Act No. 528, Section 5; 1991 Act No. 94, Section 2.

**SECTION 56-5-60.** Requirements for envelope containing certain notices.

The envelope in which a notice required by law to be mailed by the Department of Motor Vehicles is mailed, other than by registered or certified mail, must have printed on it in bold letters "Please Forward".

HISTORY: 1988 Act No. 613; 1993 Act No. 181, Section 1398; 1996 Act No. 459, Section 179.

**SECTION 56-5-70.** Certain vehicle requirements suspended during state of emergency; declarations of emergency triggering federal relief under 49 C.F.R. 390.23.

(A)(1) Notwithstanding any provision of this chapter or any other provision of law, during a state of emergency declared by the Governor and in the course of responding to the state of emergency:

(a) requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on noninterstate routes for up to one hundred twenty days, provided the vehicles do not exceed a gross weight of ninety thousand pounds and do not exceed a width of twelve feet;

(b) requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and noninterstate routes are suspended for up to thirty days, unless extended for additional periods in accordance with 49 C.F.R. 390-399.

(2) All vehicles operated upon the public highways of this State under the authority of this section must:

(a) be operated in a safe manner;

(b) maintain required limits of insurance; and

(c) be clearly identified as a utility vehicle or provide appropriate documentation indicating it is a commercial vehicle responding to the emergency.

(B) When an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. 390.23(a)(1)(A), must be declared in this State by the Governor.

(C) A declaration of emergency in this State, as described in subsection (B), must not be terminated prior to the termination of the declarations of emergencies in North Carolina and Georgia or the thirtieth day after the initial declaration of emergency in this State, whichever is less.

(D) A declaration of emergency in this State that triggers relief from regulations pursuant to 49 C.F.R. 390.23 must be effective for no less than fourteen days prior to its termination. Unless the

initial declaration of emergency contains a termination date, the order may not be terminated until the passage of seven days after notification of the date of termination is issued or the passage of thirty days after the initial declaration of the emergency, whichever is less. If termination of the declaration of emergency is to occur prior to the passage of thirty days after the initial declaration of emergency, the declaration of emergency must be terminated at 11:59 p.m. on a Friday.

(E) Citations for violating a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence, only may be issued for violations that occur while relief from regulations pursuant to 49 C.F.R. 390.23 has been granted due to an emergency. A person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence must be served in person with notice of the violation within one hour of the occurrence of the violation unless a collision occurred and fault cannot be determined immediately or the party who caused the collision is not immediately accessible due to medical treatment. The provisions of this subsection do not apply to toll collection enforcement.

HISTORY: 2001 Act No. 79, Section 1; 2010 Act No. 250, Section 1, eff June 11, 2010; 2011 Act No. 65, Section 3, eff June 17, 2011; 2015 Act No. 9 (S.358), Section 1, eff May 7, 2015.

**SECTION 56-5-90.** Driving limitations for intrastate motor carrier driver.

(A) For motor carriers subject to this title, an intrastate motor carrier driver may not drive:

- (1) more than twelve hours following eight consecutive hours off duty;
- (2) for any period after having been on duty sixteen hours following eight consecutive hours off duty;
- (3) after having been on duty seventy hours in seven consecutive days;
- (4) more than eighty hours in eight consecutive days.

(B) An intrastate driver is determined by his previous seven days of operation.

HISTORY: 1994 Act No. 417, Section 3; 1995 Act No. 36, Section 1.

## ARTICLE 3 Definitions

In General

**SECTION 56-5-110.** Generally.

For the purposes of this chapter the words, phrases and terms defined in this article shall have the meanings thereby attributed to them.

HISTORY: 1962 Code Section 46-201; 1952 Code Section 46-201; 1949 (46) 466.

Subarticle I  
Vehicles and Equipment

**SECTION 56-5-120.** Vehicle defined.

Reserved by 2017 Act No. 89, Section 17, effective November 19, 2018.

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks, is a “vehicle.”

HISTORY: 1962 Code Section 46-211; 1952 Code Section 46-211; 1949 (46) 466.

**SECTION 56-5-130.** Motor vehicle defined.

Reserved by 2017 Act No. 89, Section 18, effective November 19, 2018.

Every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, is a “motor vehicle”.

HISTORY: 1962 Code Section 46-212; 1952 Code Section 46-212; 1949 (46) 466; 1986 Act No. 528, Section 6.

**SECTION 56-5-140.** Motorcycle defined.

Reserved by 2017 Act No. 89, Section 19, effective November 19, 2018.

Every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor, is a “motorcycle”.

HISTORY: 1962 Code Section 46-213; 1952 Code Section 46-213; 1949 (46) 466; 1992 Act No. 486, Section 8; 2000 Act No. 375, Section 7.

**SECTION 56-5-145.** Repealed.

HISTORY: Former Section, titled Automotive three-wheel vehicle defined, had the following history: 1992 Act No. 486, Section 1; 2000 Act No. 375, Section 8. Repealed by 2017 Act No. 34, Section 8, eff November 10, 2017.

**SECTION 56-5-150.** Motor-driven cycle defined.

Reserved by 2017 Act No. 89, Section 20, effective November 19, 2018.

Every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower is a “motor-driven cycle”.

HISTORY: 1962 Code Section 46-214; 1952 Code Section 46-214; 1949 (46) 466; 1986 Act No. 528, Section 5.

**SECTION 56-5-155.** Repealed.

HISTORY: Former Section, titled Motorcycle three-wheel vehicle defined, had the following history: 2000 Act No. 375, Section 9. Repealed by 2017 Act No. 34, Section 8, eff November 10, 2017.

**SECTION 56-5-160.** Bicycle defined.

A bicycle is a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens' tricycles.

HISTORY: 1962 Code Section 46-215; 1952 Code Section 46-215; 1949 (46) 466; 1973 (58) 348; 1974 (58) 2117; 1986 Act No. 528, Section 8; 2008 Act No. 317, Section 1, eff June 10, 2008.

**SECTION 56-5-165.** Moped defined.

Reserved by 2017 Act No. 89, Section 22, effective November 19, 2018.

Notwithstanding the provisions of Section 56-5-160, every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground is a moped. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

HISTORY: 1986 Act No. 528, Section 9; 1991 Act No. 94, Section 3.

**SECTION 56-5-170.** Authorized emergency vehicles defined.

(A) Authorized emergency vehicles for purposes of this section include the following:

- (1) fire department vehicles;
- (2) police vehicles;
- (3) ambulances and rescue squad vehicles which are publicly owned;
- (4) vehicles of coroners and deputy coroners of the forty-six counties as designated by the coroners;
- (5) emergency vehicles designated by the fire department or the chief of police of a municipality;
- (6) county government litter enforcement vehicles used by certified law enforcement Class 3 litter control officers;
- (7) Department of Natural Resources vehicles, federal natural resources vehicles, and forestry commission vehicles when being used in the performance of law enforcement duties;
- (8) public and private vehicles while transporting individuals actually engaged in emergency activities because one or more occupants belong to a fire department, volunteer fire department, police department, sheriff's office, authorized county government litter enforcement office, rescue squad, or volunteer rescue squad;
- (9) county or municipal government jail or corrections vehicles used by certified jail or corrections officers, and emergency vehicles designated by the Director of the South Carolina Department of Corrections;
- (10) vehicles designated by the Commissioner of the Department of Health and Environmental Control when being used in the performance of law enforcement or emergency response duties; and
- (11) federal law enforcement, military, and emergency vehicles.

(B) Only authorized emergency vehicles and private security patrol vehicles regulated by the State Law Enforcement Division are allowed use or display of any blue lights or red lights. This

includes light bars and smaller lights such as dash, deck, or visor lights. To “display” means to be seen, whether activated or not.

(C) A vehicle shall not display the word ‘police’ unless it is an authorized emergency vehicle for use only by sworn police or other officers who are approved and certified by the South Carolina Criminal Justice Academy.

(D) The provisions of this section do not apply to automobile dealerships, to police equipment suppliers that sell, deliver, or equip police vehicles to or for a law enforcement agency, to vehicles owned solely as collector’s items and used only for participation in club activities, exhibits, tours, parades, and similar uses, or to persons designated by an agency owning such a vehicle to drive the vehicle or drive an auxiliary vehicle transporting such a vehicle.

HISTORY: 1962 Code Section 46-216; 1952 Code Section 46-216; 1949 (46) 466; 1975 (59) 76; 1978 Act No. 461 Section 1; 2004 Act No. 285, Section 1.

**SECTION 56-5-180. Bus defined.**

Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation is a “bus.”

HISTORY: 1962 Code Section 46-217; 1952 Code Section 46-217; 1949 (46) 466.

**SECTION 56-5-190. School bus defined.**

Every motor vehicle that complies with the color and identification requirements set forth in Section 59-67-30 and State Board of Education Regulations and Specifications Pertaining to School Buses which is used to transport children to or from public school or in connection with school activities, but not including buses operated by common carriers not exclusively engaged in the transportation of school students and vehicles having school bus markings temporarily removed or covered, is a “school bus”.

HISTORY: 1962 Code Section 46-218; 1952 Code Section 46-218; 1949 (46) 466; 1978 Act No. 422 Section 1.

**SECTION 56-5-195. School bus safety standards.**

(A) Effective July 1, 2000, any entity transporting preprimary, primary, or secondary school students to or from school, school-related activities, or child care, and utilizing a vehicle defined as a “school bus” under 49 U.S.C. Section 30125, as defined on April 5, 2000, must transport these students in a vehicle meeting federal school bus safety standards, as contained in 49 U.S.C. Section 30101, et seq., or any successor statutes, and all applicable federal regulations. Nothing in this section prohibits the transportation of children to or from child care in nonconforming vehicles by a State of South Carolina human service provider or public transportation authority as long as each child is accompanied by a parent or legal guardian whose transportation is in connection with his work, education, or training.

(B) Notwithstanding subsection (A) of this section, any vehicle that is purchased before July 1, 2000, and is utilized to transport preprimary, primary, or secondary students to or from school, school-related activities, or child care is not subject to the requirements contained in subsection (A) of this section until July 1, 2006. A vehicle that is purchased on or after July 1, 2000, and is

utilized to transport preprimary, primary, or secondary students to or from school, school-related activities, or child care is subject to the requirements contained in subsection (A) of this section once the vehicle is utilized for those purposes.

(C) Before July 1, 2006, nothing in this section may be construed to create a duty or other obligation to cease utilizing nonconforming vehicles purchased before the effective date of this act.

(D) To facilitate compliance with the provisions contained in this section, any entity contained in this section may purchase conforming vehicles under the State of South Carolina contracts for purchase of these vehicles.

(E) Nothing in the section prohibits the transportation of students by common carriers that are not exclusively engaged in the transportation of school students or by the entities subject to this section which own or operate these vehicles. However, the motor carriage used by the common carrier or entity to transport students must be designed to carry thirty or more passengers.

HISTORY: 2000 Act No. 301, Section 1.

**SECTION 56-5-196.** Designation of daycare center as origin or destination for school transportation.

The parents or legal guardians of a student who is eligible to receive public school bus transportation must have the option of designating a child daycare center or other before or after school program as the student's origin or destination for school transportation.

HISTORY: 2000 Act No. 301, Section 2.

**SECTION 56-5-200.** Truck defined.

Every motor vehicle designed, used or maintained primarily for the transportation of property is a "truck."

HISTORY: 1962 Code Section 46-219; 1952 Code Section 46-219; 1949 (46) 466.

**SECTION 56-5-210.** Truck tractor defined.

Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn is a "truck tractor."

HISTORY: 1962 Code Section 46-220; 1952 Code Section 46-220; 1949 (46) 466.

**SECTION 56-5-220.** Farm tractor defined.

Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry is a "farm tractor."

HISTORY: 1962 Code Section 46-221; 1952 Code Section 46-221; 1949 (46) 466.

**SECTION 56-5-225.** Farm truck defined.

"Farm truck" is defined as a truck used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural

products, including soil amendments and mulches owned by the truck's owner or another person, including first market. However, farm trucks with an empty weight of less than twenty-six thousand and one pounds may be used for ordinary domestic purposes and general transportation, but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 pounds GVW/GVWR/GCW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

- (1) transports hazardous materials requiring a placard; or
- (2) is designed or used to transport sixteen or more people, including the driver.

HISTORY: 2012 Act No. 180, Section 1, eff May 25, 2012.

**SECTION 56-5-230.** Road tractor defined.

Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn is a "road tractor."

HISTORY: 1962 Code Section 46-222; 1952 Code Section 46-222; 1949 (46) 466.

**SECTION 56-5-240.** Trailer defined.

Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle is a "trailer."

HISTORY: 1962 Code Section 46-223; 1952 Code Section 46-223; 1949 (46) 466.

**SECTION 56-5-250.** Semitrailer defined.

Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle is a "semitrailer."

HISTORY: 1962 Code Section 46-224; 1952 Code Section 46-224; 1949 (46) 466.

**SECTION 56-5-260.** Pole trailer defined.

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections is a "pole trailer."

HISTORY: 1962 Code Section 46-225; 1952 Code Section 46-225; 1949 (46) 466.

**SECTION 56-5-270.** Railroad defined.

A "railroad" is a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

HISTORY: 1962 Code Section 46-226; 1952 Code Section 46-226; 1949 (46) 466.

**SECTION 56-5-280.** Railroad train defined.

A “railroad train” is a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, other than a streetcar.

HISTORY: 1962 Code Section 46-227; 1952 Code Section 46-227; 1949 (46) 466.

**SECTION 56-5-290.** Streetcar defined.

A “streetcar” is a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

HISTORY: 1962 Code Section 46-228; 1952 Code Section 46-228; 1949 (46) 466.

**SECTION 56-5-300.** Pneumatic tire defined.

Every tire in which compressed air is designed to support the load is a “pneumatic tire.”

HISTORY: 1962 Code Section 46-229; 1952 Code Section 46-229; 1949 (46) 466.

**SECTION 56-5-310.** Solid tire defined.

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load is a “solid tire.”

HISTORY: 1962 Code Section 46-230; 1952 Code Section 46-230; 1949 (46) 466.

**SECTION 56-5-320.** Metal tire defined.

Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material is a “metal tire.”

HISTORY: 1962 Code Section 46-231; 1952 Code Section 46-231; 1949 (46) 466.

**SECTION 56-5-330.** Safety glass defined.

“Safety glass” shall mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Department of Public Safety.

HISTORY: 1962 Code Section 46-232; 1952 Code Section 46-232; 1949 (46) 466.

**SECTION 56-5-340.** Explosive defined.

An “explosive” is any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

HISTORY: 1962 Code Section 46-233; 1952 Code Section 46-233; 1949 (46) 466.

**SECTION 56-5-350.** Flammable liquid defined.

Any liquid which has a flash point of 70°F., or less, as determined by a Tagliabue or equivalent closed-cup test device, is a “flammable liquid.”

HISTORY: 1962 Code Section 46-234; 1952 Code Section 46-234; 1949 (46) 466.

**SECTION 56-5-360.** Gross weight defined.

“Gross weight” is the weight of a vehicle without load plus the weight of any load thereon.

HISTORY: 1962 Code Section 46-235; 1952 Code Section 46-235; 1949 (46) 466.

**SECTION 56-5-361.** Passenger car defined.

Section effective until November 19, 2018. See, also, section 56-5-361 effective November 19, 2018.

Every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons is a “passenger car”.

HISTORY: 1978 Act No. 461 Section 2.

**SECTION 56-5-361.** Passenger car defined.

Section effective November 19, 2018. See, also, section 56-5-361 effective until November 19, 2018.

Every motor vehicle except motorcycles and mopeds, designed for carrying ten passengers or less and used for the transportation of persons is a “passenger car”.

HISTORY: 1978 Act No. 461 Section 2; 2017 Act No. 89 (H.3247), Section 23, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 23, substituted “mopeds” for “motor-driven cycles”.

**SECTION 56-5-362.** Truck-camper defined.

Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space is a “truck-camper”.

HISTORY: 1978 Act no. 461 Section 3.

Subarticle II

Governmental Agencies, Pedestrians, Police Officers and Other Persons

**SECTION 56-5-380.** Local authority defined.

Every county and municipality in this State and any other local board or body having authority to maintain any public highways or to regulate the traffic thereon, but not including the Department of Public Safety, is a “local authority.”

HISTORY: 1962 Code Section 46-242; 1952 Code Section 46-242; 1949 (46) 466.

**SECTION 56-5-390.** Pedestrian defined.

Any person afoot is a “pedestrian.”

HISTORY: 1962 Code Section 46-243; 1952 Code Section 46-243; 1949 (46) 466.

**SECTION 56-5-400.** Driver defined.

Every person who drives or is in actual physical control of a vehicle is a “driver.”

HISTORY: 1962 Code Section 46-244; 1952 Code Section 46-244; 1949 (46) 466.

**SECTION 56-5-410.** Owner defined.

Reserved by 2017 Act No. 89, Section 24, effective November 19, 2018.

An “owner” is a person, other than a lienholder, having the property or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

HISTORY: 1962 Code Section 46-245; 1952 Code Section 46-245; 1949 (46) 466; 1978 Act No. 461 Section 4.

**SECTION 56-5-420.** Police officer defined.

Every officer authorized to direct or regulate traffic or to make arrests for violations of vehicular and traffic laws is a “police officer.”

HISTORY: 1962 Code Section 46-246; 1952 Code Section 46-246; 1949 (46) 466.

Subarticle III

Highways, Districts, Signals and the Like

**SECTION 56-5-430.** Street defined; highway defined.

The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel is a “street” or “highway.”

HISTORY: 1962 Code Section 46-251; 1952 Code Section 46-251; 1949 (46) 466.

**SECTION 56-5-440.** Through highway defined.

Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided in this chapter is a “through highway”.

HISTORY: 1962 Code Section 46-252; 152 Code Section 46-252; 1949 (46) 466; 1978 Act No. 461 Section 5.

**SECTION 56-5-450.** Private road defined; driveway defined.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons is a “private road” or “driveway.”

HISTORY: 1962 Code Section 46-253; 1952 Code Section 46-253; 1949 (46) 466.

**SECTION 56-5-460.** Roadway defined.

A “roadway” is that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder or berm. In the event a highway includes two or more separate roadways, the term “roadway” as used in this chapter shall refer to any such roadway separately but not to all such roadways collectively.

HISTORY: 1962 Code Section 46-254; 1952 Code Section 46-254; 1949 (46) 466.

**SECTION 56-5-470.** Laned roadway defined.

A “laned roadway” is a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

HISTORY: 1962 Code Section 46-255; 1952 Code Section 46-255; 1949 (46) 466.

**SECTION 56-5-480.** Sidewalk defined.

A “sidewalk” is that portion of a street between the curb lines, or the lateral lines, of a roadway and the adjacent property lines, intended for the use of pedestrians.

HISTORY: 1962 Code Section 46-256; 1952 Code Section 46-256; 1949 (46) 466.

**SECTION 56-5-490.** Intersection defined.

An “intersection” is the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in contact.

When a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

HISTORY: 1962 Code Section 46-257; 1952 Code Section 46-257; 1949 (46) 466.

**SECTION 56-5-500.** Crosswalk defined.

A “crosswalk” is:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway; or

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

HISTORY: 1962 Code Section 46-258; 1952 Code Section 46-258; 1949 (46) 466.

**SECTION 56-5-510.** Safety zone defined.

A “safety zone” is an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

HISTORY: 1962 Code Section 46-259; 1952 Code Section 46-259; 1949 (46) 466.

**SECTION 56-5-520.** Business district defined.

A “business district” is the territory contiguous to and including a roadway when within any six hundred feet along such roadway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations and public buildings, which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the roadway.

HISTORY: 1962 Code Section 46-260; 1952 Code Section 46-260; 1949 (46) 466.

**SECTION 56-5-530.** Residence district defined.

A “residence district” is the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

HISTORY: 1962 Code Section 46-261; 1952 Code Section 46-261; 1949 (46) 466.

**SECTION 56-5-540.** Official traffic-control devices defined.

All signs, signals, markings and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic are “official traffic-control devices.”

HISTORY: 1962 Code Section 46-262; 1952 Code Section 46-262; 1949 (46) 466.

**SECTION 56-5-550.** Traffic-control signal defined.

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed is a “traffic-control signal.”

HISTORY: 1962 Code Section 46-263; 1952 Code Section 46-263; 1949 (46) 466.

**SECTION 56-5-560.** Railroad sign or signal defined.

Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train is a “railroad sign or signal.”

HISTORY: 1962 Code Section 46-264; 1952 Code Section 46-264; 1949 (46) 466.

**SECTION 56-5-570.** Traffic defined.

Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel are “traffic.”

HISTORY: 1962 Code Section 46-265; 1952 Code Section 46-265; 1949 (46) 466.

**SECTION 56-5-580.** Right-of-way defined.

“Right-of-way” is the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

HISTORY: 1962 Code Section 46-266; 1952 Code Section 46-266; 1949 (46) 466; 1978 Act No. 461 Section 6.

**SECTION 56-5-590.** Stop defined.

“Stop,” when required, means complete cessation from movement.

HISTORY: 1962 Code Section 46-267; 1952 Code Section 46-267; 1949 (46) 466.

**SECTION 56-5-600.** Stop, stopping, or standing defined.

“Stop,” “stopping” or “standing,” when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

HISTORY: 1962 Code Section 46-268; 1952 Code Section 46-268; 1949 (46) 466.

**SECTION 56-5-610.** Park defined.

To “park,” when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

HISTORY: 1962 Code Section 46-269; 1952 Code Section 46-269; 1949 (46) 466.

**SECTION 56-5-611.** Alley defined.

A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic is an “alley”.

HISTORY: 1978 Act No. 461 Section 7.

**SECTION 56-5-612.** Arterial street defined.

Any United States—or State-numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways is an “arterial street”.

HISTORY: 1978 Act No. 461 Section 8.

**SECTION 56-5-613.** Controlled-access highway defined.

Every highway, street or roadway to which owners or occupants of abutting lands and other persons have no legal right of access to or from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway is a “controlled-access highway”.

HISTORY: 1978 Act No. 461 Section 9.

**SECTION 56-5-614.** Divided highway defined.

A highway divided into two or more roadways by leaving an intervening space or divided by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic is a “divided highway”.

HISTORY: 1978 Act No. 461 Section 10.

**SECTION 56-5-615.** Freeway defined.

A “freeway” is a multilane divided highway with full control of access, and grade separated interchanges, of the type comprising the National System of Interstate and Defense Highways, or other highways built essentially in conformance to the standards of them.

HISTORY: 1993 Act No. 98, Section 1.

**SECTION 56-5-616.** Interstate system defined.

The interstate system consists of the segments of highways in South Carolina in the officially designated national system of interstate and defense highways.

HISTORY: 1999 Act No. 17, Section 4.

ARTICLE 5

Obedience to and Effect of Traffic Laws

**SECTION 56-5-710.** Powers of local authorities.

(A) Subject to the limitations prescribed in Section 56-5-930, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

- (1) regulating the standing or parking of vehicles;
- (2) regulating traffic by means of police officers or traffic control signals;
- (3) regulating or prohibiting processions or assemblages on the highways;

- (4) designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
- (5) regulating the speed of vehicles in public parks;
- (6) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing it or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances at such intersection;
- (7) restricting the use of highways as authorized in Sections 56-5-4210 and 56-5-4220;
- (8) regulating the operation of bicycles and requiring the registration and licensing of them, including the requirement of a registration fee;
- (9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) altering the prima facie speed limits as authorized herein; or
- (11) adopting such other traffic regulations as are specifically authorized by this chapter.

(B) Nothing in subsection (A) may be construed to permit a local authority to issue a uniform traffic citation for violating a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices based in whole or in part upon photographic evidence whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence.

HISTORY: 1962 Code Section 46-282; 1952 Code Section 46-282; 1949 (46) 466; 2011 Act No. 65, Section 2, eff June 17, 2011.

**SECTION 56-5-715.** Liability for municipal parking or traffic violations.

The registered owner of any motor vehicle leased or rented to another is not liable for any municipal traffic or parking violation occurring while the leased or rented vehicle was not in his possession or control, if upon notice of the violation the registered owner notifies the clerk, city recorder, or other appropriate municipal official of the court in which the case is pending of the name, address, and driver's license number of the lessee of the vehicle on the date the violation occurred. This notice must be notarized. If the registered owner fails to submit the notice within seven working days of receipt of the violation, the court in which the case is heard may take such action as the interest of justice requires, including finding the registered owner of the motor vehicle liable for the violation.

HISTORY: 1984 Act No. 371, Section 7.

**SECTION 56-5-720.** Notice of local regulations required.

No ordinances or regulations enacted under items (4), (5), (6), (7), (9) or (10) of Section 56-5-710 shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

HISTORY: 1962 Code Section 46-284; 1952 Code Section 46-284; 1949 (46) 466.

**SECTION 56-5-730.** Required obedience to traffic laws.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or to fail to perform any act required in this chapter.

HISTORY: 1962 Code Section 46-286; 1952 Code Section 46-286; 1949 (46) 466.

**SECTION 56-5-740.** Obedience to authorized persons directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

HISTORY: 1962 Code Section 46-287; 1952 Code Section 46-287; 1949 (46) 466; 1977 Act No. 149 Section 1.

**SECTION 56-5-750.** Failure to stop motor vehicle when signaled by law-enforcement vehicle.

(A) In the absence of mitigating circumstances, it is unlawful for a motor vehicle driver, while driving on a road, street, or highway of the State, to fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. An attempt to increase the speed of a vehicle or in other manner avoid the pursuing law enforcement vehicle when signaled by a siren or flashing light is prima facie evidence of a violation of this section. Failure to see the flashing light or hear the siren does not excuse a failure to stop when the distance between the vehicles and other road conditions are such that it would be reasonable for a driver to hear or see the signals from the law enforcement vehicle.

(B) A person who violates the provisions of subsection (A):

(1) for a first offense where no great bodily injury or death resulted from the violation, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or imprisoned for not less than ninety days nor more than three years. The Department of Motor Vehicles must suspend the person's driver's license for at least thirty days; or

(2) for a second or subsequent offense where no great bodily injury or death resulted from the violation, is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. The person's driver's license must be suspended by the department for a period of one year from the date of the conviction.

(C) A person who violates the provisions of subsection (A) and when driving performs an act forbidden by law or neglects a duty imposed by law in the driving of the vehicle:

(1) where great bodily injury resulted, is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years; or

(2) where death resulted, is guilty of a felony and, upon conviction, must be imprisoned for not more than twenty-five years.

(D) The department must revoke the driver's license of any person who is convicted pursuant to subsection (C)(1) or (C)(2) for a period to include any term of imprisonment, suspended sentence, parole, or probation, plus three years.

(E) "Great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss of or impairment of the function of a bodily member or organ.

(F) After a conviction pursuant to subsection (B)(1) for a first offense, the person may, after three years from the date of completion of all terms and conditions of his sentence for the first

offense, apply, or cause someone acting on his behalf to apply, to the court for an order expunging the records of the arrest and conviction. This provision does not apply to any crime classified as a felony. If the person has had no other conviction during the three-year period following the completion of the terms and conditions of the sentence, the court shall issue an order expunging the records. No person has any rights under this section more than one time. After the expungement, the South Carolina Law Enforcement Division and the Department of Motor Vehicles are required to keep a nonpublic record of the offense and the date of its expungement to ensure that no person takes advantage of the rights permitted by this subsection more than once. This nonpublic record is not subject to release under the Freedom of Information Act or any other provision of law except to those authorized law or court officials who need to know this information in order to prevent the rights afforded by this subsection from being taken advantage of more than once.

(G)(1) If a person is employed or enrolled in a college or university at any time while his driver's license is suspended pursuant to subsection (B) of this section, he may apply for a special restricted driver's license permitting him to drive only to and from work or his place of education and in the course of his employment or education during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and that he lives further than one mile from his place of employment or place of education.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the department by the licensee.

(3) The fee for each special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

HISTORY: 1962 Code Section 46-359; 1968 (55) 2497; 1988 Act No. 532, Section 14; 1993 Act No. 184, Section 251; 1995 Act No. 65, Section 1; 1996 Act No. 459, Section 180; 1999 Act No. 115, Section 6; 2001 Act No. 79, Section 2.H; 2016 Act No. 275 (S.1258), Section 73, eff July 1, 2016.

**SECTION 56-5-760.** Operation of authorized emergency vehicles.

(A) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions of this section.

(B) The driver of an authorized emergency vehicle may:

- (1) park or stand, notwithstanding any other provision of this chapter;
- (2) proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation;
- (3) exceed the maximum speed limit if he does not endanger life or property;

(4) disregard regulations governing direction of movement or turning in specified directions.

(C) The exemptions in this section granted to an authorized emergency vehicle apply only when the vehicle is making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700 of this chapter, except that an authorized emergency vehicle operated as a police vehicle need not use an audible signal nor display a visual signal when the vehicle is being used to:

(1) obtain evidence of a speeding violation;

(2) respond to a suspected crime in progress when use of an audible or visual signal, or both, could reasonably result in the destruction of evidence or escape of a suspect; or

(3) surveil another vehicle or its occupants who are suspected of involvement in a crime.

(D) The provisions of this section do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

(E) The Criminal Justice Academy shall promulgate regulations pursuant to the Administrative Procedures Act so as to provide uniform guidelines and training programs for law enforcement agencies which use emergency vehicles. Law enforcement agencies authorized to use emergency vehicles shall use the regulations developed by the Criminal Justice Academy to provide written guidelines and to provide training programs for its officers and employees regarding the operation of emergency vehicles.

HISTORY: 1962 Code Section 46-291; 1952 Code Section 46-291; 1949 (46) 466; 1977 Act No. 149 Section 3; 1990 Act No. 580, Section 1.

**SECTION 56-5-765.** Investigations of traffic collisions involving a motor vehicle or motorcycle of a law enforcement agency.

(A) When a motor vehicle or motorcycle of a law enforcement agency, except a motor vehicle or motorcycle of the Department of Public Safety, is involved in a traffic collision that: (1) results in an injury or a death, or (2) involves a privately-owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved, the State Highway Patrol must investigate the collision and must file a report with findings on whether the agency motor vehicle or motorcycle was operated properly within the guidelines of appropriate statutes and regulations.

(B) When a motor vehicle or motorcycle of the Department of Public Safety is involved in a traffic collision that: (1) results in an injury or a death, or (2) involves a privately-owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved, the sheriff of the county in which the collision occurred must investigate the collision, regardless of whether the collision occurred within an incorporated jurisdiction, and must file a report with findings on whether the Department of Public Safety's motor vehicle or motorcycle was operated properly within the guidelines of appropriate statutes and regulations.

(C) A law enforcement department or agency must not investigate a traffic collision in which a motor vehicle, a motorcycle, or an employee of that department or agency is involved that: (1) results in an injury or a death, or (2) involves a privately-owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved.

(D) A law enforcement agency that has primary responsibility for an investigation involving a motor vehicle, a motorcycle, or an employee of another department or agency, but lacks the expertise to conduct a proper investigation, may request assistance from another agency that has the appropriate expertise, as long as the assisting agency or an employee of the assisting agency

is not a subject of the investigation. A request made pursuant to this subsection shall result in a joint investigation conducted by both agencies.

(E) A person who knowingly and wilfully violates the provisions of subsection (C) is subject to punishment as provided for in Section 8-1-80, even if the person's authority extends beyond a single election or judicial district.

(F) An investigation of a traffic collision involving a motor vehicle, a motorcycle, or an employee of a law enforcement agency or department must include a field investigation to identify possible witnesses, including possible witnesses not involved in the traffic collision, but who may have witnessed the traffic collision from a vantage point other than the collision site.

(G) For purposes of this section, "involved in a traffic collision" includes a law enforcement motor vehicle or motorcycle engaged in a pursuit when a traffic collision occurs.

HISTORY: 1994 Act No. 439, Section 1; 1995 Act No. 138, Section 5; 1996 Act No. 425, Section 3; 1996 Act No. 459, Section 181; 2002 Act No. 277, Section 1; 2004 Act No. 269, Section 1; 2004 Act No. 286, Section 5.

**SECTION 56-5-790.** Application to persons riding animals, driving animal-drawn vehicles or pushing pushcarts.

Every person riding an animal or driving any animal-drawn vehicle or pushing a pushcart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

HISTORY: 1962 Code Section 46-289; 1952 Code Section 46-289; 1949 (46) 466.

**SECTION 56-5-800.** Persons working on highways; exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in Articles 3, 9 and 23 and Sections 56-5-1590 to 56-5-1620 shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

HISTORY: 1962 Code Section 46-290; 1952 Code Section 46-290; 1949 (46) 466; 1977 Act No. 149 Section 2.

**SECTION 56-5-810.** Rights of owner who permits traffic on his property.

Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, from requiring other or different or additional conditions than those specified in this chapter or from otherwise regulating such use as may seem best to such owner.

HISTORY: 1962 Code Section 46-294; 1952 Code Section 46-294; 1949 (46) 466.

**SECTION 56-5-820.** Violations of low speed vehicle laws; penalty.

(A) A person operating a low speed vehicle on a highway must comply with all statutes regarding low speed vehicles in this title.

(B) Each violation of low speed vehicle laws constitutes a separate offense.

(C) The penalty for a violation of this section is contained in Section 56-5-6190.

HISTORY: 2005 Act No. 170, Section 4, eff 6 months after approval by the Governor (approved June 7, 2005).

ARTICLE 7  
Traffic Signs, Signals, and Markings

**SECTION 56-5-910.** Approval by Department of Transportation of stop signs or traffic-control signals placed by local authorities.

No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation.

HISTORY: 1962 Code Section 46-283; 1952 Code Section 46-283; 1949 (46) 466; 1993 Act No. 181, Section 1400.

**SECTION 56-5-920.** Adoption of uniform system of traffic-control devices.

The Department of Transportation may adopt a manual of standards and specifications for a uniform system of traffic-control devices, consistent with the provisions of this chapter, for use upon highways and streets within this State.

HISTORY: 1962 Code Section 46-301; 1952 Code Section 46-301; 1949 (46) 466; 1993 Act No. 181, Section 1401.

**SECTION 56-5-930.** Placing and maintaining traffic-control devices on state highways.

The Department of Transportation may place and maintain such traffic-control devices, conforming to its manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic. No local authority shall place or maintain any traffic-control devices upon any state highway without having first obtained the written approval of the Department of Transportation.

HISTORY: 1962 Code Section 46-302; 1952 Code Section 46-302; 1949 (46) 466; 1993 Act No. 181, Section 1402.

**SECTION 56-5-935.** Traffic control devices in Aiken, Allendale, and Barnwell counties on federal land; control by U.S. Department of Energy.

The United States Department of Energy is authorized to place and maintain traffic control devices upon roads within the confines of the lands in Aiken, Allendale, and Barnwell counties acquired or to be acquired by the United States Government. The Department of Energy is not required to obtain written approval of the Department of Transportation as provided in Sections 56-5-910 and 56-5-930.

The driver of a vehicle must obey the instruction of any traffic control device or sign placed as provided in this section unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

HISTORY: 1990 Act No. 598, Section 4; 1993 Act No. 181, Section 1403.

**SECTION 56-5-940.** Local traffic-control devices.

Subject to the limitations prescribed in Section 56-5-930, local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices so erected by such local authorities shall conform to the State manual and specifications.

HISTORY: 1962 Code Section 46-303; 1952 Code Section 46-303; 1949 (46) 466.

**SECTION 56-5-950.** Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device, applicable thereto placed or held in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirement of this chapter, unless the contrary shall be established by competent evidence.

HISTORY: 1962 Code Section 46-304; 1952 Code Section 46-304; 1949 (46) 466; 1977 Act No. 147 Section 4.

**SECTION 56-5-970.** Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors, green, red, and yellow, shall be used except for special pedestrian signals carrying a word legend. Such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated

by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in Section 56-5-990, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) Steady yellow indication:

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 56-5-990, are advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) Steady red indication:

(1) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in item (3).

(2) Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow, and unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such arrow is shown except as provided in items (3) and (5).

(3) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by item (1) or (2). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal as provided in Section 56-5-3110, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(5) Notwithstanding any other provision of law, if a driver of a motorcycle or moped, or a bicycle rider, approaches an intersection that is controlled by a traffic-control device, the driver may proceed through the intersection on a steady red light only if the driver or rider, as the case may be:

(a) comes to a full and complete stop at the intersection for one hundred twenty seconds; and

(b) exercises due care as provided by law, otherwise treats the traffic control device as a stop sign, and determines it is safe to proceed.

HISTORY: 1962 Code Section 46-306; 1952 Code Section 46-306; 1949 (46) 466; 1975 (59) 76; 1977 Act No. 11; 1977 Act No. 149 Section 5; 2008 Act No. 240, Section 1, eff May 27, 2008.

**SECTION 56-5-990.** Pedestrian “walk” and “wait” signals.

Whenever special pedestrian control signals exhibiting the words “Walk” or “Wait” are in place such signals shall indicate as follows:

(1) “Walk” indicates that a pedestrian facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles; and

(2) “Wait” indicates that no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

HISTORY: 1962 Code Section 46-308; 1952 Code Section 46-308; 1949 (46) 466.

**SECTION 56-5-1000.** Flashing signals.

(a) Whenever an illuminated flashing red or yellow light is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers approaching grade crossings shall be governed by the rules set forth in Section 56-5-2710 of this chapter.

HISTORY: 1962 Code Section 46-309; 1952 Code Section 46-309; 1949 (46) 466; 1977 Act No. 149 Section 6.

**SECTION 56-5-1010.** Railroad signs at grade crossings.

All railroad companies operating railroads in the State shall place and maintain at every crossing of a highway and railroad at grade standard cross-buck signs in accordance with the requirements of the manual of standards and specifications for uniform traffic-control devices referred to in Section 56-5-920.

HISTORY: 1962 Code Section 46-310; 1952 Code Section 46-310; 1949 (46) 466.

**SECTION 56-5-1015.** Lane use control signals.

When lane use control signals are placed over individual lanes the signals shall indicate and apply to drivers of vehicles as follows:

(a) Green indication. Vehicular traffic may travel in any lane over which a green signal is shown.

(b) Steady yellow indication. Vehicular traffic is thereby warned that a lane control change is being made.

(c) Steady red indication. Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.

(d) Flashing yellow indication. Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

HISTORY: 1962 Code Section 46-310.1; 1977 Act No. 149 Section 7.

**SECTION 56-5-1020.** Unauthorized signs, signals, or devices prohibited; exception; removal.

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which (a) purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, (b) attempts to direct the movement of traffic or (c) hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign, signal or control device bearing thereon any commercial advertisement. This provision shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway may remove it or cause it to be removed without notice.

HISTORY: 1962 Code Section 46-311; 1952 Code Section 46-311; 1949 (46) 466.

**SECTION 56-5-1030.** Interference with traffic-control devices or railroad signs or signals prohibited.

(A) No person shall wilfully without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove an official traffic-control device or a railroad sign or signal or its inscriptions, shields, or insignia.

(B) A person violating the provisions of this section is guilty of a felony and, upon conviction, must be:

(1) fined not less than one thousand dollars or imprisoned not more than five years, or both. The driver's license of a person convicted under this section must be revoked for not less than five years. In any case where a license has not been issued, the person is not eligible to obtain a license for five years from the date of conviction;

(2) fined not less than one thousand dollars or imprisoned not more than ten years if injury results;

(3) imprisoned not more than thirty years if death results.

HISTORY: 1962 Code Section 46-312; 1952 Code Section 46-312; 1949 (46) 466; 1969 (56) 698; 1993 Act No. 184, Section 82.

## ARTICLE 9 Accidents and Reports

**SECTION 56-5-1210.** Duties of drivers involved in accident resulting in death or personal injury; moving or removing vehicles.

(A) The driver of a vehicle involved in an accident resulting in injury to or the death of a person immediately shall stop the vehicle at the scene of the accident or as close to it as possible. He then shall return to and in every event shall remain at the scene of the accident until he has

fulfilled the requirements of Section 56-5-1230. However, he may temporarily leave the scene to report the accident to the proper authorities. The stop must be made without obstructing traffic more than is necessary. A person who fails to stop or to comply with the requirements of this section is guilty of:

(1) a misdemeanor and, upon conviction, must be imprisoned not less than thirty days nor more than one year or fined not less than one hundred dollars nor more than five thousand dollars, or both, when injury results but great bodily injury or death does not result;

(2) a felony and, upon conviction, must be imprisoned not less than thirty days nor more than ten years and fined not less than five thousand dollars nor more than ten thousand dollars when great bodily injury results; or

(3) a felony and, upon conviction, must be imprisoned not less than one year nor more than twenty-five years and fined not less than ten thousand dollars nor more than twenty-five thousand dollars when death results.

(B) Law enforcement officers or authorized employees of the Department of Transportation may move or have removed from the traveled way all disabled vehicles and vehicles involved in an accident and any debris caused by motor vehicle traffic collisions where it can be accomplished safely and may result in the improved safety or traffic flow upon the road; however, where a vehicle has been involved in an accident resulting in great bodily injury or death to a person, the vehicle shall not be moved until it is authorized by the investigating law enforcement officer. The State, its political subdivisions, and its officers and employees are not liable for any damages to vehicles that result from the removal unless the removal was carried out in a reckless or grossly negligent manner. The vehicle owner and any driver, or the owner's, driver's, or the at-fault party's insurance company, of a vehicle removed under this subsection, or the owner's, driver's, or the at-fault party's insurance company, shall bear all reasonable costs of removal.

Nothing in this section shall bar recovery from an at-fault party when the accident was caused by the actions of that party.

(C) As used in this section, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(D) The Department of Motor Vehicles shall revoke the driver's license of the person convicted pursuant to this section.

HISTORY: 1962 Code Section 46-321; 1952 Code Section 46-321; 1949 (46) 466; 1996 Act No. 398, Section 1; 2004 Act No. 286, Section 1.

**SECTION 56-5-1220.** Duties of driver involved in accident resulting in damage to attended vehicles.

(A) The driver of a vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by a person immediately shall stop the vehicle at the scene of the accident or as close to it as possible, but shall return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 56-5-1230. However, he may temporarily leave the scene to report the accident to the proper authorities. A person who fails to stop or comply with the requirements of this subsection is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year or fined not less than one hundred dollars nor more than five thousand dollars, or both.

(B) If a disabled vehicle or a vehicle involved in an accident resulting only in damage to a vehicle is obstructing traffic, the driver of the vehicle shall make every reasonable effort to move any vehicle that is capable of being driven safely off the roadway as defined by Section 56-5-460 so as not to block the flow of traffic. The driver or any other person who has moved a motor vehicle to facilitate the flow of traffic as provided in this subsection before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section.

(C) State and local authorities may erect signs along highways and streets that instruct the public that the driver of a disabled vehicle or a vehicle involved in an accident resulting only in damage to vehicles shall make every reasonable effort to move any vehicle that is capable of being driven off the roadway.

HISTORY: 1962 Code Section 46-322; 1952 Code Section 46-322; 1949 (46) 466; 1996 Act No. 398, Section 2; 2004 Act No. 286, Section 2.

**SECTION 56-5-1230.** Duty to give information and render aid.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

HISTORY: 1962 Code Section 46-323; 1952 Code Section 46-323; 1949 (46) 466.

**SECTION 56-5-1240.** Duties of driver involved in accident involving unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

HISTORY: 1962 Code Section 46-324; 1952 Code Section 46-324; 1949 (46) 466.

**SECTION 56-5-1250.** Duties of driver striking fixtures upon or adjacent to highway.

The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license and shall make report of such accident when and as required in Section 56-5-1270.

HISTORY: 1962 Code Section 46-325; 1952 Code Section 46-325; 1949 (46) 466.

**SECTION 56-5-1260.** Immediate report of accidents resulting in personal injury or death.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written, give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the South Carolina Highway Patrol.

HISTORY: 1962 Code Section 46-326; 1952 Code Section 46-326; 1949 (46) 466.

**SECTION 56-5-1270.** Operators, owners, and law enforcement officers shall make written reports of certain accidents and investigations.

The operator or owner of a motor vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more which was not investigated by a law enforcement officer, within fifteen days after the accident, shall forward a written report and verification of liability insurance coverage of the accident to the Department of Motor Vehicles, the proof and report to be in a manner prescribed by the Department of Motor Vehicles and the Department of Public Safety. The completed and verified form must be returned by the operator or owner to the Department of Motor Vehicles within fifteen days from the accident date. Failure to forward the accident report verified in the proper manner in respect to liability insurance coverage for the operation of the vehicle involved in the accident is prima facie evidence that the vehicle was uninsured.

Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that results in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses, within twenty-four hours after completing the investigation, must forward a written report of the accident to the Department of Motor Vehicles including the names of interviewed participants and witnesses. If a two-wheeled motorized vehicle is involved in the accident and the operator or a passenger of the vehicle suffers a head injury, the injury must be indicated on the report.

HISTORY: 1962 Code Section 46-327; 1952 Code Section 46-327; 1949 (46) 466; 1968 (55) 2591; 1971 (57) 297; 1977 Act No. 195 Section 1; 1988 Act No. 665, Section 1; 1996 Act No. 459, Section 182.

**SECTION 56-5-1275.** Requests for accident investigation reports; dissemination of reports.

With respect to a motor vehicle accident, no employee of any law enforcement agency shall allow any person to examine or obtain a copy of any accident report or related investigative report when the employee knows or should reasonably know that the request for access to the report is for commercial solicitation purposes. No person shall request any law enforcement agency to permit examination or to furnish a copy of any such report for commercial solicitation purposes. All persons, except law enforcement personnel and persons named in the report, shall be required to submit a separate written request to the law enforcement agency for each report. A written request under this section must state the requestor's name, address, and the intended use of the report in sufficient detail that the law enforcement agency may ascertain that the intended use is not for commercial solicitation purposes. A person who knowingly makes any false

statement in any written request under this section shall be subject to the provisions of Section 56-3-2520.

HISTORY: 1991 Act No. 155, Section 2.

**SECTION 56-5-1280.** When driver unable to report, other occupant or owner shall report.

Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required in Section 56-5-1260 and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report not made by the driver. Whenever the driver is so physically incapable of making a written report as required in Section 56-5-1270 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver.

HISTORY: 1962 Code Section 46-328; 1952 Code Section 46-328; 1949 (46) 466.

**SECTION 56-5-1290.** Evidentiary use of reports.

None of the reports required by Sections 56-5-1260 to 56-5-1280 may be evidence of the negligence or due care of either party at the trial of any action at law to recover damages. However, law enforcement officers may refer to these reports when testifying in order to refresh their recollection of events.

HISTORY: 1962 Code Section 46-328.1; 1952 (47) 1853; 1998 Act No. 350, Section 1.

**SECTION 56-5-1300.** Accident report forms.

The Department of Public Safety shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved. Every accident report required to be made in writing shall be made on the appropriate form approved by the Department and shall contain all of the information required therein unless not available.

HISTORY: 1962 Code Section 46-329; 1952 Code Section 46-329; 1949 (46) 466.

**SECTION 56-5-1320.** Coroners shall report traffic deaths.

Every coroner or other official performing like functions shall on or before the tenth day of each month report in writing to the Department of Public Safety the death of any person within his jurisdiction during the preceding calendar month as the result of a traffic accident, giving the time and place of the accident and the circumstances relating thereto.

HISTORY: 1962 Code Section 46-331; 1952 Code Section 46-331; 1949 (46) 466.

**SECTION 56-5-1330.** Garages or repair shops shall report accidents or bullet damages.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 56-5-1270 or struck by any bullet shall report to the Department of Public Safety within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

HISTORY: 1962 Code Section 46-332; 1952 Code Section 46-332; 1949 (46) 466.

**SECTION 56-5-1340.** Accident reports without prejudice and confidential; use; permissible disclosures.

All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles, Department of Public Safety, or other State agencies having use for the records for accident prevention purposes. The Department of Motor Vehicles may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident and may upon request disclose to any person who has suffered injury to his person or property any information contained on any report regarding the existence of insurance. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department of Motor Vehicles shall furnish, upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Motor Vehicles solely to prove a compliance or a failure to comply with the requirement that such a report be made to the Department of Motor Vehicles.

HISTORY: 1962 Code Section 46-333; 1952 Code Section 46-333; 1949 (46) 466; 1959 (51) 567; 1977 Act No. 195 Section 2.

**SECTION 56-5-1350.** Tabulation and analysis of reports; publication of statistical information.

The Department of Public Safety must tabulate and may analyze all accident reports as required in Section 56-5-1270 and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

HISTORY: 1962 Code Section 46-334; 1952 Code Section 46-334; 1949 (46) 466; 1996 Act No. 459, Section 183.

**SECTION 56-5-1360.** Municipality may require accident reports; use.

Any incorporated city or town may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the Department of Motor Vehicles. All such reports shall be for the confidential use of the city department and subject to the provisions of Section 56-5-1340.

HISTORY: 1962 Code Section 46-335; 1952 Code Section 46-335; 1949 (46) 466.

ARTICLE 11  
Restrictions on Speed; Racing

**SECTION 56-5-1520.** General rules as to maximum speed limits; lower speeds may be required.

(A) A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Speed must be so controlled to avoid colliding with a person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of a person to use care.

(B) Except when a special hazard exists that requires lower speed for compliance with subsection (A), the limits specified in this section or established as hereinafter authorized are maximum lawful speeds, and a person shall not drive a vehicle on a highway at a speed in excess of these maximum limits:

(1) seventy miles an hour on the interstate highway system and other freeways where official signs giving notice of this speed are posted;

(2) sixty miles an hour on multilane divided primary highways where official signs giving notice of this speed limit are posted;

(3) fifty-five miles an hour in other locations or on other sections of highways and unpaved roads are limited to the speed of forty miles an hour; and

(4) manufactured, modular, or mobile homes must not be transported at a speed in excess of ten miles below the maximum posted speed limit when the maximum posted speed limit is in excess of forty-five miles an hour, and never in excess of fifty-five miles an hour.

(C) Thirty miles an hour is the maximum speed in an urban district. "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more.

(D) A local authority on the basis of an engineering and traffic investigation may determine that the maximum speed limit permitted under this article is less than thirty miles an hour in an urban district. If this determination is made, the maximum speed limit for the urban district is enforceable by all law enforcement officers authorized to enforce the traffic laws in the urban district. However, this subsection does not apply to highways within the state highway system contained in Section 56-5-1530.

(E) The maximum speed limits set forth in this section may be altered pursuant to Sections 56-5-1530 and 56-5-1540.

(F) The driver of a vehicle shall drive, consistent with the requirements of subsection (A), at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, approaching a hillcrest, when traveling upon any narrow bridge, narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(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.

(H) A citation for violating the speed limits issued by any authorized officer must note on it the rate of speed for which the citation is issued.

(I) In expending the funds credited to the state general fund from fines generated under subsection (G), the Department of Public Safety first shall consider the need for additional highway patrolmen.

HISTORY: 1993 Act No. 181, Section 1404; 1994 Act No. 497, Part II, Section 36R; 1999 Act No. 17, Section 1.

**SECTION 56-5-1530.** Alteration of speed limits on state highway system by Department of Transportation; signs.

(a) Establishing speed zones. Whenever the Department of Transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the Department of Transportation may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) Setting maximum limits in state highway extensions in urban districts. The Department of Transportation shall determine the proper maximum speed for all state primary highway extensions into and through urban districts and shall declare a reasonable and safe maximum speed limit thereon which may be greater or less than the maximum speed otherwise permitted under this article for an urban district and such maximum speed limits shall be effective at all times during hours of darkness and at other times as may be determined when appropriate official signs giving notice thereof are erected upon such street or highway.

HISTORY: 1962 Code Section 46-362; 1952 Code Sections 46-367, 46-369; 1949 (46) 466; 1966 (54) 2244; 1993 Act No. 181, Section 1405.

**SECTION 56-5-1535.** Endangerment of a highway worker; penalties; definitions.

(A) A person commits endangerment of a highway worker if the person is operating a motor vehicle within a highway work zone at anytime one or more highway workers are in the highway work zone and in proximity to the area where the act or omission occurs and the person:

(1) drives through or around a work zone in any lane not clearly designated for use by motor vehicles traveling through or around a work zone; or

(2) fails to obey traffic control devices erected for the purpose of controlling the flow of motor vehicles through the work zone for any reason other than:

(a) an emergency;

(b) the avoidance of an obstacle; or

(c) the protection of the health and safety of another person.

(B)(1) A person who violates the endangerment of a highway worker provision where the highway worker suffers no physical injury must be fined not more than one thousand dollars and not less than five hundred dollars.

(2) A person who violates the endangerment of a highway worker provision where the highway worker suffers physical injury and the violation was the sole proximate cause of the injury must be fined not more than two thousand dollars and not less than one thousand dollars.

(3) A person who violates the endangerment of a highway worker provision where the highway worker suffers great bodily injury, as defined in Section 56-5-2945(B), and the violation was the sole proximate cause of the injury must be fined not more than five thousand dollars and not less than two thousand dollars.

(C) A person who violates Section 56-5-1535(A) must have two points assessed against his motor vehicle operating record or four points assessed against his motor vehicle operating record if an injury to the highway worker occurred at the time of the incident and the violation is the sole proximate cause of the injury.

(D) Any fine imposed pursuant to this section is mandatory and may not be waived or reduced below the minimum as provided in subsection (B). Sixty-five percent of the fine must be remitted to the Treasurer and deposited in a special account, separate and apart from the general fund, designated for use by the Department of Public Safety to be used for work zone enforcement. Twenty-five percent of the fine must be deposited in the State Highway Fund and designated for use by the Department of Transportation to hire off-duty state, county, or municipal police officers to monitor construction or maintenance zones. Ten percent of the fine must be remitted to the county governing body in which the charge was disposed, or the municipality if the charge was disposed in municipal court.

(E) No person shall be cited for endangerment of a highway worker for any act or omission otherwise constituting a violation under this section if the act or omission results, in whole or in part, from mechanical failure of the person's motor vehicle or from the negligence of a highway worker or another person.

(F) For purposes of this section:

(1) "Highway work zone" means an area of a roadway, bridge, shoulder, median, or associated right of way, where construction, maintenance, utility work, accident response, or other incident response is being performed. The work zone must be marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and extends from the first traffic control device erected for purposes of controlling the flow of motor vehicles through the work zone, including signs reducing the normal speed limit, to the "END ROAD WORK" sign or the last temporary traffic control device. The signs, channeling devices, barriers, pavement markings, or work vehicles must meet state Department of Transportation standards, the provisions of Section 56-5-4700, or National Fire Protection (NFPA) standards, and must be installed properly.

(2) "Highway worker" means a person who is required to perform work in highway work zones, including:

- (a) a person who performs maintenance, repair, or construction;
- (b) a person who operates a truck, loader, or other equipment;
- (c) a person who performs any other related maintenance work, as required;
- (d) a public safety officer who enforces work zone-related transportation management or traffic control;
- (e) a law enforcement officer who conducts traffic control or enforcement operations; and

(f) an officer or firefighter, an emergency medical services provider, or any other authorized person who removes hazards or who responds to accidents and other incidents.

(G) Magistrates and municipal court judges have exclusive jurisdiction pursuant to this section.

**HISTORY:** 1994 Act No. 409, Section 1; 1999 Act No. 17, Section 2; 2017 Act No. 81 (H.4033), Section 1, eff May 19, 2017.

**Effect of Amendment**

2017 Act No. 81, Section 1, rewrote the section, deleting the provision relating to speeding in work zones, creating the offense of “endangerment of a highway worker”, and providing a penalty for this offense.

**SECTION 56-5-1536.** Repealed.

**HISTORY:** Former Section, titled Driving in a temporary work zone; penalty, had the following history: 2004 Act No. 286, Section 4; 2011 Act No. 49, Section 1, eff June 14, 2011. Repealed by 2017 Act No. 81, Section 3, eff May 19, 2017.

**SECTION 56-5-1538.** Emergency scene management; definitions

(A) An emergency scene is a location designated by the potential need to provide emergency medical care and is identified by emergency vehicles with flashing lights, rescue equipment, or emergency personnel on the scene.

(B) An emergency scene is a special hazard.

(C) An emergency scene is under the authority of the first arriving emergency personnel, which includes emergency medical services personnel, until the arrival of the fire or law enforcement officials having jurisdiction. All motor vehicles passing through an emergency scene and pedestrians observing an emergency scene must obey and not interfere with the duties of emergency personnel. Motor vehicles and bystanders may not block access to or exit from an emergency scene.

(D) The management authority of emergency medical services is limited to managing patient care and preventing further injury to the patients and on-scene personnel. This authority may be delegated by emergency personnel to provide an adequate level of safety.

(E) A paid or volunteer worker at an emergency scene has proper authority to be at and control the scene in a manner consistent with his training.

(F) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing an emergency scene or authorized emergency vehicle stopped on or near the right-of-way of a street or highway with emergency lights flashing. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent a collision, to prevent injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel.

(G) A person driving a vehicle approaching a stationary authorized emergency vehicle that is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights, or amber or yellow warning lights shall proceed with due caution, significantly reduce the speed of the vehicle, and:

(1) yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a

highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

(H) A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services personnel and, upon conviction, must be fined not less than three hundred dollars nor more than five hundred dollars.

(I) For purposes of this section:

(1) "Authorized emergency vehicle" means any ambulance, police, fire, rescue, recovery, or towing vehicle authorized by this State, county, or municipality to respond to a traffic incident.

(2) "Emergency services personnel" means fire, police, or emergency medical services personnel (EMS) responding to an emergency incident.

HISTORY: 1996 Act No. 256, Section 1; 2002 Act No. 348, Section 8.

**SECTION 56-5-1540.** Alteration of speed limits by local authorities; signs; approval by Department of Transportation.

(a) Establishing speed zones. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) decreases the limit at intersections; or

(2) increases the limit within an urban district but not to more than seventy miles an hour; or

(3) decreases the limit outside an urban district, but not to less than thirty-five miles an hour.

(b) Setting maximum limits on arterial streets. Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this article for an urban district.

(c) Signs. Any altered limit established as hereinabove authorized is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon the street or highway.

(d) Approval of altered limits by Department of Transportation. Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities is not effective until the alteration has been approved by the Department of Transportation.

(e) Limitations on alterations. Not more than six such alterations as authorized above may be made for each mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits must not be more than ten miles an hour.

HISTORY: 1962 Code Section 46-363; 1952 Code Sections 46-368, 46-370, 46-371; 1949 (46) 466; 1966 (54) 2244; 1987 Act No. 189 Section 3; 1993 Act No. 181, Section 1406; 1999 Act No. 17, Section 3.

**SECTION 56-5-1550.** Speed limitation on motor-driven cycles.

Reserved by 2017 Act No. 89, Section 25, effective November 19, 2018.

No person shall operate any motor-driven cycle at any time mentioned in Section 56-5-4450 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with head lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

HISTORY: 1962 Code Section 46-364; 1952 Code Section 46-364; 1949 (46) 466; 1966 (54) 2244.

**SECTION 56-5-1555.** Speed limitation on mopeds.

Reserved by 2017 Act No. 89, Section 26, effective November 19, 2018.

No person may operate a moped at a speed in excess of twenty-five miles an hour. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1986 Act No. 528, Section 10; 1991 Act No. 94, Section 4.

**SECTION 56-5-1560.** Minimum speed limits.

(a) Impeding traffic by slow speed prohibited. —No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Establishing minimum speed zones; signs. Whenever the Department of Transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the Department of Transportation or local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established. Also any minimum speed limit adopted by a municipality for a section of the state highway within the municipality shall not be effective until such minimum speed has been approved by the Department of Transportation.

HISTORY: 1962 Code Section 46-365; 1952 Code Section 46-372; 1949 (46) 466; 1956 (49) 1648; 1966 (54) 2244; 1993 Act No. 181, Section 1407.

**SECTION 56-5-1570.** Special speed limitations for certain vehicles and places.

(a) Vehicles towing house trailers. —No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of forty-five miles per hour.

(b) Vehicles with solid rubber or cushion tires. —No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

(c) On elevated structures; safe speed not to be exceeded. —No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) Same; establishing safe maximum limit. The Department of Transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such

structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the Department of Transportation shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(e) Same; proof of limit and signs conclusive evidence of safe speed. Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the Department of Transportation and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

HISTORY: 1962 Code Section 46-366; 1952 Code Sections 46-365, 46-366; 1949 (46) 466; 1966 (54) 2244; 1993 Act No. 181, Section 1408.

**SECTION 56-5-1580.** Contents of complaint and summons or notice to appear charging speeding.

In every charge of violation of any speed regulation in this article, the complaint and summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

HISTORY: 1962 Code Section 46-367; 1966 (54) 2244.

**SECTION 56-5-1590.** Unlawful to race or assist in racing on public roads.

It shall be unlawful to engage in a motor vehicle race or contest for speed on any public road, street or highway in this State or to aid, abet or assist in any manner whatsoever in any such race or contest. Altering, changing, tampering with or “souping up” a motor vehicle for the purpose of racing or speeding on any public road, street or highway in this State shall be considered as aiding, abetting or assisting for the purposes of Sections 56-5-1590 to 56-5-1620.

HISTORY: 1962 Code Section 46-356; 1957 (50) 133.

**SECTION 56-5-1600.** Unlawful to acquiesce in or permit use of car in race.

It shall also be unlawful for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed on any public road, street or highway in this State.

HISTORY: 1962 Code Section 46-357; 1957 (50) 133.

**SECTION 56-5-1610.** “Acquiescence” defined.

For the purpose of Sections 56-5-1590 to 56-5-1620, the word “acquiescence” shall mean actual knowledge that the car was to be used for the purpose of racing on a public road, street or highway.

HISTORY: 1962 Code Section 46-355; 1957 (50) 133.

**SECTION 56-5-1620.** Penalties for racing; revocation or suspension of drivers’ licenses and registrations.

Any person violating the provisions of Sections 56-5-1590 to 56-5-1620 by driving a motor vehicle shall, upon conviction, be fined not less than two hundred dollars nor more than six hundred dollars or imprisoned for not less than two months nor more than six months, or both, in the discretion of the trial judge. In addition to such penalty the driver of any vehicle who violates the provisions of Sections 56-5-1590 to 56-5-1620 shall upon conviction, entry of a plea of guilty or forfeiture of bail have his driver's license revoked for a period of one year. Any person violating the provisions of Sections 56-5-1590 to 56-5-1620 by acquiescing in or permitting the driving of his car shall, upon conviction, be fined not to exceed one hundred dollars or imprisoned for a period not to exceed thirty days, or both, in the discretion of the court and, in addition thereto, shall have his driver's license and the registration of his vehicle suspended for a period of three months.

HISTORY: 1962 Code Section 46-358; 1957 (50) 133.

### ARTICLE 13

#### Driving on Right Side of Roadway; Overtaking and Passing; Following

**SECTION 56-5-1810.** Drive on the right side of roadways; exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

2. When an obstruction exists making it necessary to drive to the left of the center of the highway. Any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance so as not to constitute an immediate hazard.

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under item 2 of subsection (a). This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

HISTORY: 1962 Code Section 46-381; 1952 Code Section 46-381; 1949 (46) 466; 1977 Act No. 143 Section 1.

**SECTION 56-5-1830.** Passing vehicles proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one half of the main-traveled portion of the roadway, as nearly as possible.

HISTORY: 1962 Code Section 46-383; 1952 Code Section 46-383; 1949 (46) 466.

**SECTION 56-5-1840.** Overtaking and passing vehicles proceeding in same direction.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

HISTORY: 1962 Code Section 46-384; 1952 Code Section 46-384; 1949 (46) 466.

**SECTION 56-5-1850.** When passing on the right is permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn.

2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being travelled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

HISTORY: 1962 Code Section 46-385; 1952 Code Section 46-385; 1949 (46) 466; 1977 Act No. 143 Section 2.

**SECTION 56-5-1860.** Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

HISTORY: 1962 Code Section 46-386; 1952 Code Section 46-386; 1949 (46) 466; 1977 Act No. 143 Section 3.

**SECTION 56-5-1880.** Further limitations on driving to left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

2. When approaching within one hundred feet of or traversing any intersection.

3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in item 2, subsection (a) of Section 56-5-1810 nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

HISTORY: 1962 Code Section 46-388; 1952 Code Section 46-388; 1949 (46) 466; 1977 Act No. 143 Section 4; 1992 Act No. 399, Section 6.

**SECTION 56-5-1890.** No-passing zones.

(a) The Department of Transportation and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a) no driver shall at any time drive on the left side of the roadway within such or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(c) This section shall not apply under the conditions described in item 2, subsection (a) of Section 56-5-1810 nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

HISTORY: 1962 Code Section 46-389; 1952 Code Section 46-389; 1949 (46) 466; 1977 Act No. 143 Section 5; 1993 Act No. 181, Section 1409.

**SECTION 56-5-1895.** Passing prohibited in highway work zones; penalties.

No vehicle may be driven so as to overtake and pass another vehicle in a highway work zone where road maintenance or construction work is underway and passing would be hazardous to the highway worker. A person who violates the provisions of this section must be punished as provided in Section 56-5-6190.

HISTORY: 1994 Act No. 409, Section 2, eff May 25, 1994.

**SECTION 56-5-1900.** Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance or in preparation for making a left turn or where the center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of such devices.

HISTORY: 1962 Code Section 46-390; 1952 Code Section 46-390; 1949 (46) 466; 1977 Act No. 143 Section 6.

**SECTION 56-5-1910.** One-way roadways and rotary traffic islands.

(a) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

HISTORY: 1962 Code Section 46-391; 1952 Code Section 46-391; 1949 (46) 466; 1977 Act No. 143 Section 7; 1993 Act No. 181, Section 1410.

**SECTION 56-5-1920.** Driving on divided highways.

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority. For clarification, a left turn across a painted median is authorized unless prohibited by an official traffic-control device.

HISTORY: 1962 Code Section 46-392; 1952 Code Section 46-392; 1949 (46) 466; 1956 (49) 1594; 1977 Act No. 143 Section 8.

**SECTION 56-5-1930.** Following too closely.

(A) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(B) The operator of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(C) Motor vehicles being operated upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(D) This section does not apply to the operator of any nonleading commercial motor vehicle subject to Federal Motor Carrier Safety Regulations and traveling in a series of commercial vehicles using cooperative adaptive cruise control or any other automated driving technology.

HISTORY: 1962 Code Section 46-393; 1952 Code Section 46-393; 1949 (46) 466; 1977 Act No. 143 Section 9; 2017 Act No. 66 (H.3289), Section 1, eff May 19, 2017.

Effect of Amendment

2017 Act No. 66, Section 1, in (A) and (B), substituted “The operator” for “The driver”; in (C), substituted “being operated” for “being driven”; added (D), relating to the applicability of the section; and made nonsubstantive changes.

**SECTION 56-5-1960.** Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to an emergency closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to an emergency.

HISTORY: 1962 Code Section 46-496; 1952 Code Section 46-496; 1949 (46) 466; 1976 Act No. 534; 1978 Act No. 451 Section 5; 1998 Act No. 392, Section 2.

**SECTION 56-5-1970.** Restricted access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

HISTORY: 1962 Code Section 46-397; 1977 Act No. 143 Section 10.

**SECTION 56-5-1980.** Restrictions on use of controlled-access roadway.

(a) The Commission of the Department of Transportation by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The commission or local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

HISTORY: 1962 Code Section 46-398; 1977 Act No. 143 Section 11; 1993 Act No. 181, Section 1411.

ARTICLE 15  
Starting and Turning; Signaling

**SECTION 56-5-2110.** Starting of a vehicle.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

HISTORY: 1962 Code Section 46-401; 1952 Code Section 46-401; 1949 (46) 466.

**SECTION 56-5-2120.** Required position and method of turning.

The driver of a vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(c) The Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

(d) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in the opposite directions has been indicated by official traffic-control devices:

1. A left turn shall not be made from any other lane.

2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

HISTORY: 1962 Code Section 46-402; 1952 Code Section 46-402; 1949 (46) 466; 1977 Act No. 144 Section 1; 1993 Act No. 181, Section 1412.

**SECTION 56-5-2140.** Limitations on turning around.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

HISTORY: 1962 Code Section 46-404; 1952 Code Section 46-404; 1949 (46) 466; 1953 (48) 313; 1977 Act No. 144 Section 2.

**SECTION 56-5-2150.** Turning movements and required signals.

(A) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal as provided for in this section.

(B) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(D) The signals required on vehicles by subsection (B) of Section 56-5-2180, shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or 'do pass' signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(E) A person who violates the provisions of this section must be fined twenty-five dollars, all or part of which may not be suspended. In addition no court costs, assessments, surcharges, or points may be assessed against the person or his driving record.”

HISTORY: 1962 Code Section 46-405; 1952 Code Section 46-405; 1949 (46) 466; 1977 Act No. 144 Section 3; 2017 Act No. 81 (H.4033), Section 5.B, eff May 19, 2017.

Effect of Amendment

2017 Act No. 81, Section 5.B, added (E), providing a penalty for a violation of the section, and made nonsubstantive changes.

**SECTION 56-5-2170.** Method of giving hand and arm signals.

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn, hand and arm extended horizontally;
- (2) Right turn, hand and arm extended upward; and
- (3) Stop or decrease speed, hand and arm extended downward.

HISTORY: 1962 Code Section 46-407; 1952 Code Section 46-407; 1949 (46) 466.

**SECTION 56-5-2180.** Signals given by hand and arm or signal lamps.

(a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps except as otherwise provided in subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle or to any combination of vehicles.

HISTORY: 1962 Code Section 46-408; 1952 Code Section 46-408; 1949 (46) 466; 1977 Act No. 144 Section 4.

**SECTION 56-5-2310.** Vehicles approaching or entering intersection.

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule in subsection (a) is modified at through highways and as otherwise provided in this chapter.

HISTORY: 1962 Code Section 46-421; 1952 Code Section 46-421; 1949 (46) 466; 1977 Act No. 144 Section 5.

**SECTION 56-5-2320.** Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

HISTORY: 1962 Code Section 46-422; 1952 Code Section 46-422; 1949 (46) 466; 1977 Act No. 144 Section 6.

**SECTION 56-5-2330.** Stop signs and yield signs.

(a) Preferential right-of-way may be indicated by stop signs or yield signs as authorized by the Department of Transportation or local authorities.

(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line but, if none, before entering the cross-walk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting road before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. If such driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right-of-way.

HISTORY: 1962 Code Section 46-423; 1952 Code Section 46-423; 1949 (46) 466; 1977 Act No. 144 Section 7; 1993 Act No. 181, Section 1413.

**SECTION 56-5-2350.** Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

HISTORY: 1962 Code Section 46-424; 1952 Code Section 46-424; 1949 (46) 466; 1977 Act No. 144 Section 8.

**SECTION 56-5-2360.** Operation of vehicles on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700, or of a police vehicle properly and lawfully making use of an audible signal or visual signal, the driver of every other vehicle traveling along a two-lane roadway shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible, to the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. A driver of a vehicle traveling along a multilane roadway shall yield the right-of-way and shall remain in, or move to a location that allows the emergency vehicle or police vehicle to pass safely, except as otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

HISTORY: 1962 Code Section 46-425; 1952 Code Section 46-425; 1949 (46) 466; 1977 Act No. 144 Section 9; 2002 Act No. 348, Section 5.

**SECTION 56-5-2370.** Highway construction and maintenance.

(a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway traffic construction or maintenance area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 56-5-4650.

HISTORY: 1962 Code Section 46-426; 1977 Act No. 144 Section 10.

**ARTICLE 19**  
Stopping, Standing and Parking

**SECTION 56-5-2510.** Stopping, standing, or parking outside of business or residential district.

(A) No person shall stop, park, or leave standing a vehicle, whether attended or unattended, upon the roadway outside a business or residential district when it is practicable to stop, park, or leave the vehicle off the roadway. An unobstructed width of the highway opposite a standing vehicle must be left for the free passage of other vehicles and a clear view of the stopped vehicle must be available from a distance of two hundred feet in each direction upon the highway.

(B) This section and Sections 56-5-2530 and 56-5-2560 do not apply to the driver of a vehicle which is disabled making it impossible to avoid stopping and temporarily leaving the vehicle in the roadway.

(C) Notwithstanding another provision of law, a vehicle used solely for the purpose of collecting municipal solid waste as defined in Section 44-96-40(46) or recovered materials as defined in Section 44-96-40(34) may stop or stand on the road, street, or highway for the purpose of collecting solid waste or recovered materials. The vehicle shall maintain flashing hazard lights when engaged in stopping or standing to collect solid waste or recovered materials.

HISTORY: 1962 Code Section 46-481; 1952 Code Section 46-481; 1949 (46) 466; 1979 Act No. 105 Section 1; 1996 Act No. 298, Section 1.

**SECTION 56-5-2520.** Officers authorized to remove vehicles.

(a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 56-5-2510 he may move the vehicle or require the driver or other person in charge of the vehicle to move it to a position off the roadway.

(b) Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position or under such circumstances as to obstruct the normal movement of traffic.

(c) Any police officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(1) A report has been made that the vehicle has been stolen or taken without the consent of its owner.

(2) The person in charge of the vehicle is unable to provide for its custody or removal.

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take such person before a magistrate or other judicial official without unnecessary delay.

HISTORY: 1962 Code Section 46-482; 1952 Code Section 46-482; 1949 (46) 466; 1979 Act No. 105 Section 2.

**SECTION 56-5-2525.** Notice to authorities of towing and storing of motor vehicle without person's knowledge; exceptions; return of vehicle.

(A) For purposes of this section, "vehicle" means a motor vehicle, trailer, mobile home, watercraft, or any other item that is subject to towing and storage, and applies to any vehicle in custody at the time of the enactment of this section. "Vehicle" includes:

(1) items that are towed and left in the possession of a towing, storage, garage, or repair facility;

(2) contents contained in the vehicle; and

(3) personal property affixed to the vehicle.

(B) A towing company which tows and stores a person's vehicle without the person's knowledge must immediately notify the police department of the municipality where the vehicle was parked, or the sheriff of the county, if the vehicle was parked outside the limits of a municipality, of the location from which the vehicle was towed, the name of the company which towed the vehicle and the place where the vehicle is stored.

(C) A towing company failing to give this notice within one hour of the time the vehicle was towed is not entitled to any compensation for the towing and storing operations. The provisions of this section must be posted in a conspicuous place in all public areas on the premises of the towing company. The law enforcement agency that receives this notice must draft a towing

report and furnish the towing company with the report's document number within a reasonable time. Notification to the law enforcement agency is not required when the towing is performed at the direction of a law enforcement officer.

(D) A towing company that tows away a person's vehicle without his knowledge and stores it is not required to return the vehicle to the person after the company's normal business hours.

HISTORY: 1981 Act No. 73, Section 1; 2004 Act No. 269, Section 2.

**SECTION 56-5-2530.** Stopping, standing, or parking prohibited in specified places; exceptions.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(b) On a sidewalk.

(c) Within an intersection.

(d) On a crosswalk.

(e) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(h) On any railroad tracks.

(i) On any controlled-access highway.

(j) In the area between roadways of a divided highway, including crossovers.

(k) At any place where official traffic-control devices prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:

(a) In front of a public or private driveway.

(b) Within fifteen feet of a fire hydrant.

(c) Within twenty feet of a crosswalk at an intersection.

(d) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway.

(e) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite to any fire station within seventy-five feet of the entrance when properly signposted.

(f) At any place where official traffic-control devices prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(a) Within fifty feet of the nearest rail of a railroad crossing.

(b) At any place where official traffic-control devices prohibit parking.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(C) This section does not prohibit a federal postal service carrier from stopping, standing, or parking along a rural roadway for frequent short intervals during delivery of mail, parcels, or

packages. As used in this section, “rural” means an area outside the incorporated areas of the county.

HISTORY: 1962 Code Section 46-483; 1952 Code Section 46-483; 1949 (46) 466; 1979 Act No. 105 Section 3; 1994 Act No. 511, Section 1.

**SECTION 56-5-2540.** Stopping, standing, or parking may be prohibited on state highways.

The Department of Transportation with respect to state highways may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, in its judgment, such stopping, standing or parking is deemed by the Department of Transportation to be hazardous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

HISTORY: 1962 Code Section 46-486; 1952 Code Section 46-486; 1949 (46) 466; 1993 Act No. 181, Section 1414.

**SECTION 56-5-2550.** Left curb and angle parking may be permitted.

The Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb on one-way roadways and may permit angle parking on any roadway of sufficient width to permit angle parking without interfering with the free movement of traffic. But local authorities shall not permit such left-hand parking on one-way roadways nor angle parking on state highways except upon written approval of the Department of Transportation.

HISTORY: 1962 Code Section 46-485; 1952 Code Section 46-485; 1949 (46) 466; 1993 Act No. 181, Section 1415.

**SECTION 56-5-2560.** Parking at right-hand curb not more than 18 inches from curb.

Except as otherwise provided in Sections 56-5-2540 and 56-5-2550, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

HISTORY: 1962 Code Section 46-484; 1952 Code Section 46-484; 1949 (46) 466.

**SECTION 56-5-2570.** Parking of unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

HISTORY: 1962 Code Section 46-491; 1952 Code Section 46-491; 1949 (46) 466.

**SECTION 56-5-2580.** Certain jurors exempt from municipal parking meters and time regulations; exceptions.

Jurors subpoenaed and in attendance at federal court or subpoenaed and in attendance at circuit or county court in this State in a municipality which has parking meters or parking regulations from the standpoint of continuous time of parking are allowed to use parking spaces without depositing coins in the meters and are not subject to these parking regulations; however, if parking is provided otherwise for jurors, this exemption does not apply.

In order to avail himself of the privilege conferred by this section, the juror shall place in or about his vehicle, so that it can be easily seen and read, the subpoena requiring his attendance or some statement in writing signed by the officer issuing it, or some agent of his thereunto authorized, to the effect that the juror has been subpoenaed and is attendant upon such court.

The privilege granted shall be effective only during the particular week in which the court is being held, unless for some reason the attendance of the juror under special circumstances is continued into the succeeding week, and only during the days on which the court is in session and at which the attendance of the juror is required. In determining the duration of the privilege conferred by this section, a part of a day shall be construed as a whole day.

HISTORY: 1962 Code Section 46-487; 1956 (49) 1812; 1992 Act No. 341, Section 1.

**SECTION 56-5-2585.** Disabled veterans and Purple Heart recipients exempt from parking meter fees.

Disabled veterans and recipients of the Purple Heart are exempt from the payment of municipal parking meter fees when their vehicles bear a disabled veteran's or Purple Heart license plate issued by the Department of Motor Vehicles.

HISTORY: 1976 Act No. 564; 1993 Act No. 181, Section 1416; 1996 Act No. 459, Section 184; 2000 Act No. 242, Section 1.

**SECTION 56-5-2590.** Unlawful for certain cities to place meters or time limit on streets abutting county property.

It shall be unlawful for any municipality of this State, having a population of between six thousand three hundred and fifty and six thousand eight hundred inhabitants according to the last official United States census, to require any person to pay a fee of any kind for parking an automobile or other vehicle on the abutting side of any street abutting and adjacent to property owned by the county in which such municipality is situated or located and used in connection with the county courthouse or county office building or on the abutting side of any street abutting or adjacent to any sidewalk which is adjacent to or abutting on such property owned by such county by the use of any device known as a parking meter or otherwise or to place a time limit on parking in such areas except such as may be authorized by the governing body of the county.

HISTORY: 1962 Code Section 46-488; 1955 (49) 598.

**SECTION 56-5-2600.** Parking violations; grace period.

A local governing authority that has issued a citation to a person who violates a provision that regulates the parking of vehicles shall allow the person thirty days to pay the original fine assessed before the local governing authority may increase the fine by any amount.

HISTORY: 2008 Act No. 283, Section 4, eff June 11, 2008.

ARTICLE 21  
Required Stops

**SECTION 56-5-2710.** Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section the driver of the vehicle shall stop within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(2) A crossing gate is lowered or when a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(3) A railroad train approaching within approximately one thousand, five hundred feet of the highway crossing emits a signal audible from such distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard.

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

HISTORY: 1962 Code Section 46-471; 1952 Code Section 46-471; 1949 (46) 466; 1976 Act No. 579; 1979 Act No. 105 Section 4.

**SECTION 56-5-2715.** Stop required at designated railroad grade crossings.

The Department of Transportation, and local authorities with the approval of the Department of Transportation, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such signs are erected, the driver of any vehicle shall stop within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and shall proceed only upon exercising due care.

HISTORY: 1979 Act No. 105 Section 5; 1993 Act No. 181, Section 1417.

**SECTION 56-5-2720.** Certain vehicles shall stop at all railroad grade crossings; gears shall not be changed while crossing grade.

(A) Except as provided in subsection (B), the driver of a school bus or a motor vehicle with a capacity of sixteen or more persons, a vehicle permitted by the Department of Health and Environmental Control to carry hazardous waste and a vehicle described in regulations issued pursuant to subsection (C), before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only

in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

(B) Except for school buses, the provisions of this section do not apply at:

(1) a railroad grade crossing where traffic is controlled by a police officer or human flagman;

(2) a railroad grade crossing where traffic is regulated by a traffic-control signal;

(3) a railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train when the gate or flashing signal does not indicate the approach of a train;

(4) a railroad grade crossing where an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

HISTORY: 1962 Code Section 46-472; 1952 Code Section 46-472; 1949 (46) 466; 1979 Act No. 105 Section 6; 1981 Act No. 183; 1992 Act No. 399, Section 2.

**SECTION 56-5-2725.** Moving heavy equipment at railroad grade crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of such intended crossing shall be given to a station agent of the railroad and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

(c) Before making any such crossing, the person operating or moving the vehicle or equipment shall first stop not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

HISTORY: 1979 Act No. 105 Section 7.

**SECTION 56-5-2730.** Through highways; stop signs at entrances and at intersections.

The Department of Transportation with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection. Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the roadway.

HISTORY: 1962 Code Section 46-473; 1952 Code Section 46-473; 1949 (46) 466; 1993 Act No. 181, Section 1418.

**SECTION 56-5-2735.** Obstructing intersection or grade crossing; passing near grade crossing; traffic lines when stopped at railroad crossing; vehicles in tow.

(A) Notwithstanding the indication of a traffic signal to proceed, no driver shall enter an intersection or a marked crosswalk or drive onto a railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains.

(B) No vehicle shall be driven on the left side of the roadway while attempting to pass another vehicle within one hundred feet of a railroad grade crossing.

(C) When stopping as required at a railroad crossing, the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the roadway is marked for two or more lanes of traffic on the driver's side of the center line of the highway.

(D) A vehicle may not be driven or towed through or over a railroad grade crossing until its driver has determined that the vehicle has sufficient under carriage clearance to negotiate the railroad grade crossing.

HISTORY: 1992 Act No. 399, Section 1; 2005 Act No. 42, Section 10, eff May 3, 2005.

**SECTION 56-5-2740.** Place where drivers shall stop for stop signs.

Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line but, if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

HISTORY: 1962 Code Section 43-474; 1952 Code Section 46-474; 1949 (46) 466.

**SECTION 56-5-2745.** Emerging from alley, driveway, or building.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residential district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway or, in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.

HISTORY: 1979 Act No. 105 Section 8.

**SECTION 56-5-2760.** Stops at drawbridges.

The driver of a vehicle approaching the draw or swing span of a bridge opening for water navigation shall stop as indicated by gates, barriers, semaphores, lights or bell and shall not proceed beyond the stop limit or gates, barriers or semaphores until the indication or signal to proceed is exhibited.

HISTORY: 1962 Code Section 46-476; 1952 Code Section 46-476; 1949 (46) 466.

**SECTION 56-5-2770.** Signals and markings on school buses; meeting, overtaking and passing school bus; loading passengers along multi-lane highways.

(A) The driver of a vehicle meeting or overtaking from either direction a school bus stopped on a highway or private road must stop before reaching the bus where there are in operation on the bus flashing red lights specified in State Department of Education Regulations and Specifications Pertaining to School Buses, and the driver must not proceed until the bus resumes motion or the flashing red lights are no longer actuated.

(B) The driver of a vehicle need not stop upon meeting a stopped school bus when traveling in the opposite direction on a multi-lane highway or multi-lane private road.

(C) The driver of a vehicle must not overtake a school bus which has amber visual signals actuated.

(D)(1) A school bus must be equipped with red and amber visual signals meeting the requirements of State Department of Education Regulations and Specifications Pertaining to School Buses, which must be actuated by the driver whenever the bus is stopped or preparing to stop on the highway for the purpose of receiving or discharging school children. A driver must not actuate the special visual signals when the bus is in designated school bus loading or off-loading areas if the bus is off the roadway entirely.

(2) A school bus may be equipped with a digital video recording device mounted on the school bus with a clear view of vehicles passing the bus on either side and showing the date and time the recording was made and an electronic symbol showing the activation of amber lights, flashing red lights, stop arms, and brakes. Digital video recording devices mounted on school buses must be procured in compliance with Chapter 11, Title 35 or a procurement code adopted by the political subdivision procuring the digital video recording device in compliance with Section 11-35-50.

(E) A school bus must bear upon its front and rear plainly visible signs containing the words "SCHOOL BUS" in black letters not less than eight inches in height.

(F) A school bus route that requires passengers to be loaded or off-loaded along a multi-lane highway or multi-lane private road must be designed to ensure that a student is not required to cross a multi-lane highway or multi-lane private road.

(G) For the purposes of this section a multi-lane highway or multi-lane private road is a highway or private road that consists of four or more traffic lanes, having at least two traffic lanes traveling in each direction.

HISTORY: 1962 Code Section 46-477; 1952 Code Section 46-477; 1949 (46) 466; 1950 (46) 2379; 1978 Act No. 422 Section 2; 2003 Act No. 62, Section 1; 2014 Act No. 274 (H.5014), Section 2, eff June 9, 2014.

**SECTION 56-5-2773.** Violation of Section 56-5-2770; digital images admissible in evidence.

(A) A uniform traffic citation alleging the violation of Section 56-5-2770 may be issued based in whole or in part upon images obtained from a digital video recording device mounted on a school bus. A copy of the citation must be given directly to the alleged offender by the law enforcement officer issuing the citation.

(B) Digital images obtained from a digital video recording device mounted on a school bus pursuant to Section 56-5-2770(D) may be used as evidence at any hearing related to a violation of Section 56-5-2770 to corroborate testimony by the school bus driver or any other person who witnessed the offense.

HISTORY: 2014 Act No. 274 (H.5014), Section 3, eff June 9, 2014.

**SECTION 56-5-2775.** Violation of Section 56-5-2735 as misdemeanor; penalty.

The driver of a vehicle violating the provisions of Section 56-5-2735 is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars or more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1988 Act No. 532, Section 25; 1992 Act No. 399, Section 4; 1995 Act No. 138, Section 7.

**SECTION 56-5-2780.** Penalties for unlawfully passing a stopped school bus.

(A) A driver of a vehicle violating Section 56-5-2770 (A) or (C) is guilty of a misdemeanor and, upon conviction, entry of a plea of guilty or nolo contendere, or forfeiture of bail for a first offense must be fined not less than five hundred dollars or imprisoned not more than thirty days. In lieu of imprisonment, the court may require that the individual complete an appropriate term of community service of not fewer than ten days upon terms and conditions the court considers proper. Notwithstanding any other provision of law, a first offense for a violation of Section 56-5-2770 (A) or (C) may be tried in magistrate's court. Upon conviction, entry of a plea of guilty or nolo contendere, or forfeiture of bail for a second or subsequent violation of Section 56-5-2770 (A) or (C), a person is guilty of a misdemeanor and must be fined not less than two thousand dollars or more than five thousand dollars or imprisoned for not fewer than thirty days and not more than sixty days.

(B) If a driver of a vehicle violates Section 56-5-2770 (A) or (C), and the violation proximately causes great bodily injury or death to a pedestrian, the person is guilty of a felony and, upon conviction, entry of a plea of guilty or nolo contendere, or forfeiture of bond, the person must be:

(1) fined not less than five thousand dollars or more than ten thousand dollars and imprisoned for not less than sixty days or more than one year when great bodily injury results;

(2) fined not less than ten thousand dollars or more than twenty-five thousand dollars and imprisoned for not less than one year or more than five years when death results.

As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted or who receives a sentence upon a plea of guilty or nolo contendere pursuant to this subsection for the term of imprisonment plus one year.

HISTORY: 1995 Act No. 138, Section 6; 2002 Act No. 296, Section 4; 2002 Act No. 348, Section 12; 2003 Act No. 62, Section 2.

## ARTICLE 23

### Reckless Homicide; Reckless Driving; Driving While Under the Influence of Intoxicating Liquor, Drugs or Narcotics

**SECTION 56-5-2910.** Reckless vehicular homicide; penalties; revocation of driver's license; reinstatement of license; conditions; consequences for subsequent violations.

(A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles shall revoke for five years the driver's license of a person convicted of reckless vehicular homicide.

(B) After one year from the date of revocation, the person may petition the circuit court in the county of the person's residence for reinstatement of the person's driver's license. The person shall serve a copy of the petition upon the solicitor of the county. The solicitor shall notify the representative of the victim of the reckless vehicular homicide of the person's intent to seek reinstatement of the person's driver's license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person's driver's license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

(2) the petitioner has served the term of imprisonment or paid the fine, assessment, and restitution in full, or both; and

(3) the person's overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

The circuit court may order the reinstatement of the driver's license before the completion of the full five-year revocation period, or the judge may order the granting of a route restricted license for the remainder of the five-year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver's license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.

(C) If the person's privilege to operate a motor vehicle is reinstated, a subsequent violation of the motor vehicle laws for any moving violation requires the automatic cancellation of the person's driver's license and imposition of the full period of revocation for the reckless vehicular homicide violation.

**HISTORY:** 1962 Code Section 46-341; 1952 Code Section 46-341; 1949 (46) 466; 1994 Act No. 509, Section 1; 1998 Act No. 379, Section 2; 2001 Act No. 97, Section 3; 2012 Act No. 226, Section 1, eff December 18, 2012.

**SECTION 56-5-2920.** Reckless driving; penalties; suspension of driver's license for second or subsequent offense.

Any person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. The Department of Motor Vehicles, upon receiving satisfactory evidence of the conviction, of the entry of a plea of guilty or the forfeiture of bail of any person charged with a second and subsequent offense for the violation of this section shall forthwith suspend the driver's license of any such person for a period of three months. Only those offenses which occurred within a period of five years

including and immediately preceding the date of the last offense shall constitute prior offenses within the meaning of this section. Any person violating the provisions of this section shall, upon conviction, entry of a plea of guilty or forfeiture of bail, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-342; 1952 Code Section 46-342; 1949 (46) 466; 1958 (50) 1686; 1981 Act No. 76, Section 9.

**SECTION 56-5-2930.** Operating motor vehicle while under influence of alcohol or drugs; penalties; enrollment in Alcohol and Drug Safety Action Program; prosecution.

(A) It is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug or drugs or substances which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired. A person who violates the provisions of this section is guilty of the offense of driving under the influence and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days. However, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days. However, in lieu of the seventy-two hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.

(B) No part of the minimum sentences provided in this section may be suspended. Instead of public service employment the court may invoke another sentence provided in this section. For a second or subsequent offense of this section, the service of the minimum sentence is mandatory. However, the judge may provide for the sentence to be served upon terms and conditions as he considers proper including, but not limited to, weekend service or nighttime service in any fashion he considers necessary.

(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine.

(D) For the purposes of this section, a conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail for the violation of a law or ordinance of this or another state or a municipality of this or another state that prohibits a person from driving a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including, but not limited to, this section, or prohibits a person from driving a motor vehicle with an unlawful alcohol concentration, including, but not limited to, Section 56-5-2933, constitutes a prior offense of this section. Only those violations which occurred within a period of ten years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(E) Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside.

(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

(G) Two hundred dollars of the fine imposed pursuant to subsection (A)(3) must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant has successfully completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

(I) A person charged for a violation of this section may be prosecuted pursuant to Section 56-5-2933 if the original testing of the person's breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of this section and a violation of Section 56-5-2933 for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

- (1) whether or not the person was lawfully arrested or detained;
- (2) the period of time between arrest and testing;
- (3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;
- (4) whether the person consented to taking a test pursuant to Section 56-5-2950, and whether the:

(a) reported alcohol concentration at the time of testing was eight one-hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56-5-2950 and regulations adopted pursuant to Section 56-5-2951(O) and Section 56-5-2953(F); and

(d) machine was working properly.

(J) Nothing contained in this section prohibits the introduction of:

(1) the results of any additional tests of the person's breath or other bodily fluids;

(2) any evidence that may corroborate or question the validity of the breath or bodily fluid test result including, but not limited to:

(a) evidence of field sobriety tests;

(b) evidence of the amount of alcohol consumed by the person; and

(c) evidence of the person's driving;

(3) a video recording of the person's conduct at the incident site and breath testing site taken pursuant to Section 56-5-2953 which is subject to redaction under the South Carolina Rules of Evidence; or

(4) any other evidence of the state of a person's faculties to drive a motor vehicle which would call into question the results of a breath or bodily fluid test.

At trial, a person charged with a violation of this section is allowed to present evidence relating to the factors enumerated above and the totality of the evidence produced at trial may be used by the jury to determine guilt or innocence. A person charged with a violation of this section must be given notice of intent to prosecute under the provisions of this section at least thirty calendar days before his trial date.

(K) For the purpose of this section, any offense carrying a penalty of imprisonment of ninety days or less may be tried in magistrates court.

(L) In cases in which enhanced penalties for higher levels of alcohol concentration may be applicable, upon the determination of guilt, the finder of fact shall determine the alcohol concentration and the judge shall apply the appropriate penalty. In cases involving jury trials, upon the return of a guilty verdict by the jury, the judge shall instruct the jury to make a finding of fact as to the following: "We the jury find the alcohol concentration of the defendant to be (1) at least eight one-hundredths of one percent but less than ten one-hundredths of one percent; (2) at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent; or (3) sixteen one hundredths of one percent or more." Based on the jury's finding of fact, the judge shall apply the appropriate penalty. If the jury cannot reach a unanimous verdict as to the finding of fact, then the judge shall sentence the defendant based on the nonenhanced penalties.

**HISTORY:** 1962 Code Section 46-343; 1952 Code Section 46-343; 1949 (46) 466; 1954 (48) 1782; 1987 Act No. 179 Section 1; 1998 Act No. 434, Section 4; 2000 Act No. 390, Section 7; 2008 Act No. 201, Section 4, eff February 10, 2009.

**SECTION 56-5-2933.** Driving with an unlawful alcohol concentration; penalties; enrollment in Alcohol and Drug Safety Action Program; prosecution.

(A) It is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is eight one-hundredths of one percent or more. A person who violates the

provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days. However, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days. However, in lieu of the seventy-two hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars

and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.

(B) No part of the minimum sentences provided in this section may be suspended. Instead of public service employment the court may invoke another sentence provided in this section. For a second or subsequent offense of this section, the service of the minimum sentence is mandatory. However, the judge may provide for the sentence to be served upon terms and conditions as he considers proper including, but not limited to, weekend service or nighttime service in any fashion he considers necessary.

(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine.

(D) For the purposes of this chapter a conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail for the violation of a law or ordinance of this or another state or a municipality of this or another state that prohibits a person from driving a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including, but not limited to, Section 56-5-2930, or prohibits a person from driving a motor vehicle with an unlawful alcohol concentration, including, but not limited to, this section, constitutes a prior offense of this section. Only those violations which occurred within a period of ten years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(E) Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside.

(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

(G) Two hundred dollars of the fine imposed pursuant to subsections (A)(3) must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action

Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. An applicant may not be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant successfully has completed services. An applicant who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the applicant successfully has completed services. The court must be notified whether an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

(I) A person charged for a violation of Section 56-5-2930 may be prosecuted pursuant to this section if the original testing of the person's breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of Section 56-5-2930 and a violation of this section for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

- (1) whether or not the person was lawfully arrested or detained;
- (2) the period of time between arrest and testing;
- (3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;
- (4) whether the person consented to taking a test pursuant to Section 56-5-2950, and whether the:
  - (a) reported alcohol concentration at the time of testing was eight one-hundredths of one percent or more;
  - (b) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;
  - (c) tests administered and samples obtained were conducted pursuant to Section 56-5-2950 and regulations adopted pursuant to Section 56-5-2951(O) and Section 56-5-2953(F); and
  - (d) machine was working properly.

- (J) Nothing contained in this section prohibits the introduction of:
- (1) the results of any additional tests of the person's breath or other bodily fluids;
  - (2) any evidence that may corroborate or question the validity of the breath or bodily fluid test result including, but not limited to:
    - (a) evidence of field sobriety tests;
    - (b) evidence of the amount of alcohol consumed by the person; and
    - (c) evidence of the person's driving;
  - (3) a video recording of the person's conduct at the incident site and breath testing site taken pursuant to Section 56-5-2953 which is subject to redaction under the South Carolina Rules of Evidence; or
  - (4) any other evidence of the state of a person's faculties to drive which would call into question the results of a breath or bodily fluid test.

At trial, a person charged with a violation of this section is allowed to present evidence relating to the factors enumerated above and the totality of the evidence produced at trial may be used by the jury to determine guilt or innocence. A person charged with a violation of this section must be given notice of intent to prosecute under the provisions of this section at least thirty calendar days before his trial date.

(K) For the purpose of this section, any offense carrying a penalty of imprisonment of ninety days or less may be tried in magistrates court.

(L) In cases in which enhanced penalties for higher levels of alcohol concentration may be applicable, upon the determination of guilt, the finder of fact shall determine the alcohol concentration and the judge shall apply the appropriate penalty.

HISTORY: 2000 Act No. 390; 2003 Act No. 61, Section 5; 2008 Act No. 201, Section 5, eff February 10, 2009.

**SECTION 56-5-2934.** Compulsory process to obtain witnesses and documents; breath testing software.

Notwithstanding any other provision of law, a person charged with a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 who is being tried in any court of competent jurisdiction in this State has the right to compulsory process for obtaining witnesses, documents, or both, including, but not limited to, state employees charged with the maintenance of breath testing devices in this State and the administration of breath testing pursuant to this article. This process may be issued under the official signature of the magistrate, judge, clerk, or other officer of the court of competent jurisdiction. The term “documents” includes, but is not limited to, a copy of the computer software program of breath testing devices. SLED must produce all breath testing software in a manner that complies with any and all licensing agreements. This section does not limit a person’s ability to obtain breath testing software directly from the manufacturer or distributor.

HISTORY: 2000 Act No. 390, Section 9; 2003 Act No. 61, Section 15; 2008 Act No. 201, Section 6, eff February 10, 2009.

**SECTION 56-5-2935.** Right to jury trial.

Notwithstanding any other provision of law, a person charged with a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 who is being tried in any court of competent jurisdiction in this State must have the right of trial by jury. A person charged with one or more of these offenses shall enjoy the right to a speedy and public trial by an impartial jury, to be fully informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses, documents, or both, and the right to be fully heard in his defense by himself or by his counsel or, by both.

HISTORY: 2000 Act No. 390, Section 10.

**SECTION 56-5-2936.** Implementation of compulsory testimony requirement postponed; training of employees.

Notwithstanding any other provision of law, the State Law Enforcement Division is not required to implement the provisions of Section 56-5-2934 as contained in Section 9 of Act 390

of 2000 pertaining to the compulsory process for obtaining witnesses including, but not limited to, state employees charged with the maintenance of breath testing devices in this State and the administration of breath testing pursuant to Chapter 5 of Title 56 of the 1976 Code, until the time the General Assembly is adequately able to fund the program or by December 31, 2002, whichever first occurs. Provided, however, by December 31, 2002, the State Law Enforcement Division must have at least three state employees trained and prepared for the purpose of appearing in court and testifying on the maintenance of breath testing devices and the administration of breath testing pursuant to Chapter 5, Title 56 of the 1976 Code.

HISTORY: 2002 Act No. 165, Section 1.

**SECTION 56-5-2941. Ignition interlock device.**

Text of (A) effective until November 19, 2018.

(A) The Department of Motor Vehicles shall require a person who is a resident of this State and who is convicted of violating the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one-hundredths of one percent or more. The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that a device is required to be affixed to a motor vehicle as set forth in Sections 56-1-286, 56-5-2945, 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and 56-5-2990.

Text of (A) effective November 19, 2018.

(A) The Department of Motor Vehicles shall require a person who is a resident of this State and who is convicted of violating the provisions of Sections 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives, except a moped, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one-hundredths of one percent or more. The department may waive the requirements of this section if the department determines

that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped.

The length of time that a device is required to be affixed to a motor vehicle as set forth in Sections 56-1-286, 56-5-2945, 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and 56-5-2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, 56-5-2950, or 56-5-2951.

(C) If a resident of this State is convicted of violating a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person only may obtain a South Carolina driver's license if the person enrolls in the South Carolina Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(E) The person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. A person accumulating a total of:

(1) two points or more, but less than three points, must have the length of time that the device is required extended by two months;

(2) three points or more, but less than four points, must have the length of time that the device is required extended by four months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall suspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan;

(3) four points or more must have the person's ignition interlock restricted license suspended for a period of six months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and successfully shall complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor

Vehicles shall leave the person's ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of a person's completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person's point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

(F) The cost of the device must be borne by the person. However, if the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. "Net income" means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

(G) The ignition interlock service provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

(H)(1) The person shall have the device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the person's alcohol content at each attempt to start and running retest during each sixty-day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately shall report devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person's name, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) If any inspection report or any photographic images collected by the device shows that the person has violated subsection (M), (O), or (P), the person must be assessed one and one-half ignition interlock device points.

(5) The inspection report must indicate the person's alcohol content at each attempt to start and running retest during each sixty-day period. If the report reflects that the person violated a running retest by having an alcohol concentration of:

(a) two one-hundredths of one percent or more but less than four one-hundredths of one percent, the person must be assessed one-half ignition interlock device point;

(b) four one-hundredths of one percent or more but less than fifteen one-hundredths of one percent, the person must be assessed one ignition interlock device point; or

(c) fifteen one-hundredths of one percent or more, the person must be assessed two ignition interlock device points.

(6) A person may appeal less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal is final and no appeal from such decision is allowed.

(I)(1) If a person's license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of ignition interlock points, he waives his right to the administrative hearing and the person's driver's license is suspended pursuant to subsection (E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services' determination that a person's license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver's license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver's license suspension can be upheld;

(b) the driver's license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to subsection (E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

(J) Five years from the date of the person's driver's license reinstatement and every five years thereafter, a fourth or subsequent offender whose license has been reinstated pursuant to Section 56-1-385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from the person's driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the person's license.

(K)(1) Except as otherwise provided in this section, it is unlawful for a person who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.

(2) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device

installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.

(b) a person who is self employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).

(4) This subsection will be construed in parallel with the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

(M) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(N) It is unlawful for a person to knowingly rent, lease, or otherwise provide a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person's arrest for a first offense violation of Section 56-5-2930 or 56-5-2933. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(O) It is unlawful for a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while the vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(P) It is unlawful for another person on behalf of a person subject to the provisions of this section to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while that vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(Q) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one-hundredths of one percent or more is measured and all running retests must record violations of an alcohol concentration of two one-hundredths of one percent or more, and must capture a photographic image of the driver as

the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services' management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services' employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

(R) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person's participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person's family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department's discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all photographic images collected by the device no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program. The Department of Probation, Parole and Pardon Services may retain the images past twelve months if there are any pending appeals or contested case hearings involved with that person, and at their conclusion must purge the images. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all personal information regarding a person's participation in the Ignition Interlock Device Program no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program except for that information which is relevant for pending legal matters.

(S) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.

(T) This section shall apply retroactively to any person currently serving a suspension or denial of the issuance of a license or permit due to a suspension listed in subsection (A).

HISTORY: 2000 Act No. 390, Section 12; 2007 Act No. 103, Section 23.A, eff January 1, 2008; 2008 Act No. 285, Section 1, eff January 1, 2009; 2014 Act No. 158 (S.137), Section 9, eff October 1, 2014; 2015 Act No. 34 (S.590), Section 3, eff June 1, 2015; 2017 Act No. 89 (H.3247), Section 34, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 34, in (A), inserted “, except a moped” twice, and made a nonsubstantive change.

**SECTION 56-5-2942.** Vehicle immobilization after conviction for subsequent violation of Sections 56-5-2930, 56-5-2933, or 56-5-2945; immobilized defined; identity of immobilized vehicle; surrendering of license plates and registration; release of vehicle; hearing; penalties; fees.

(A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 must have all motor vehicles owned by or registered to the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56-5-6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, “immobilized” and “immobilization” mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945, the department shall determine all vehicles registered to the person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

(D) Upon notification by a court in this State or another state of a conviction for a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945, the department shall require the person, unless the person is a holder of a valid ignition interlock restricted license, to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver’s license suspension pursuant to a conviction for a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. The department shall maintain a record of all vehicles immobilized pursuant to this section.

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

- (1) the person regularly drives the motor vehicle subject to immobilization;
- (2) the immobilized motor vehicle is necessary to the person’s employment, transportation to an educational facility, or for the performance of essential household duties;
- (3) no other motor vehicle is available for the person’s use;
- (4) the person will not authorize the use of the motor vehicle by any other person known by the person to have been convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by the person to have been convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(G) The department may issue a determination permitting or denying the release of the vehicle based on the affidavit submitted pursuant to subsection (F). A person may seek relief from a department determination immobilizing a motor vehicle or denying the release of the motor vehicle by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) A person who drives an immobilized motor vehicle except as provided in subsections (E) and (F) is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(I) A person who fails to surrender registrations and license plates pursuant to this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(K) For purposes of this article, a conviction of or plea of nolo contendere to Section 56-5-2933 is considered a prior offense of Section 56-5-2930.

HISTORY: 2003 Act No. 61, Section 13; 2008 Act No. 201, Section 7, eff February 10, 2009; 2012 Act No. 212, Section 3, eff June 7, 2012; 2014 Act No. 158 (S.137), Section 10, eff October 1, 2014; 2016 Act No. 275 (S.1258), Section 74, eff July 1, 2016.

**SECTION 56-5-2945.** Offense of felony driving under the influence; penalties; “great bodily injury” defined.

(A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to another person, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty-five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty-five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

(B) As used in this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(C)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted pursuant to this section. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.

(2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when great bodily injury results and five years when a death occurs.

(D) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

HISTORY: 1983 Act No. 114 Section 4; 1987 Act No. 58 Section 1; 1987 Act No. 82 Section 1; 1993 Act No. 181, Section 1419; 1993 Act No. 184 Section 252; 2003 Act No. 61, Section 17; 2008 Act No. 201, Section 8, eff February 10, 2009; 2014 Act No. 158 (S.137), Section 11, eff October 1, 2014.

**SECTION 56-5-2946.** Submission to testing for alcohol or drugs.

(A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if there is probable cause to believe that the person violated or is under arrest for a violation of Section 56-5-2945.

(B) The tests must be administered at the direction of a law enforcement officer. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person's request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

(C) The provisions of Section 56-5-2950, relating to the administration of tests to determine a person's alcohol concentration, additional tests at the person's expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and persons administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of state law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 56-5-2945.

HISTORY: 1998 Act No. 434, Section 6; 2012 Act No. 226, Section 2, eff December 18, 2012.

**SECTION 56-5-2947.** Child endangerment; definition; penalties; jurisdiction; evidence for taking child into protective custody.

(A) A person eighteen years of age or older is guilty of child endangerment when:

(1) the person violates:

- (a) Section 56-5-750;
- (b) Section 56-5-2930;
- (c) Section 56-5-2933; or
- (d) Section 56-5-2945; and

(2) the person has one or more passengers younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger younger than sixteen years of age is in the vehicle when a violation occurs, the person may be charged with only one violation of this section.

(B) Upon conviction, the person must be:

(1) fined not more than one-half of the maximum fine allowed for committing the violation in subsection (A)(1), when the person is fined for that offense;

(2) imprisoned not more than one-half of the maximum term of imprisonment allowed for committing the violation listed in subsection (A)(1), when the person is imprisoned for the offense; or

(3) fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed pursuant to subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles shall suspend the person's driver's license for sixty days upon conviction under subsection (A)(1)(a). Upon conviction under subsection (A)(1)(b) through (d), the Department of Motor Vehicles shall suspend the person's driver's license.

(2) Upon conviction under subsection (A)(1)(b) through (d), the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56-1-1320 and 56-5-2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ignition interlock restricted license period is completed.

(E) A person may be convicted pursuant to this section for child endangerment in addition to being convicted for an offense listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63-7-620(A) and 63-7-660.

HISTORY: 1995 Act No. 81, Section 1; 1997 Act No. 14, Section 1; 2008 Act No. 201, Section 20, eff February 10, 2009; 2014 Act No. 158 (S.137), Section 12, eff October 1, 2014.

**SECTION 56-5-2948.** Field sobriety tests.

When a person is suspected of causing a motor vehicle incident resulting in the death of another person by the investigating law enforcement officer on the scene of the incident, the driver must submit to field sobriety tests if he is physically able to do so.

HISTORY: 2012 Act No. 226, Section 3, eff December 18, 2012.

**SECTION 56-5-2949.** Policies, procedures and regulations on the SLED internet website.

In addition to availability under the Freedom of Information Act, any South Carolina Law Enforcement Division policy, procedure, or regulation concerning breath alcohol testing or breath site video recording which is in effect on or after July 1, 2000, must be made publicly accessible on the SLED Internet web site. A policy, procedure, or regulation may be removed from the SLED web site only after five years from the effective date of the subsequent revision.

HISTORY: 2000 Act No. 390, Section 13; 2007 Act No. 103, Section 23.C, eff January 1, 2008; 2008 Act No. 201, Section 16, eff February 10, 2009.

**SECTION 56-5-2950.** Implied consent to testing for alcohol or drugs; procedures; inference of DUI.

(A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. If the person is physically unable to provide an acceptable breath sample because the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one-hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.

(B) No tests may be administered or samples obtained unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) the person does not have to take the test or give the samples, but that the person's privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if the person

refuses to submit to the test, and that the person's refusal may be used against the person in court;

(2) the person's privilege to drive must be suspended for at least one month with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if the person takes the test or gives the samples and has an alcohol concentration of fifteen one-hundredths of one percent or more;

(3) the person has the right to have a qualified person of the person's own choosing conduct additional independent tests at the person's expense;

(4) the person has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) if the person does not request a contested case hearing or if the person's suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(C) A hospital, physician, qualified technician, chemist, or registered nurse who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of the person's own choosing conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) The arresting officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood sample to determine the person's alcohol concentration, SLED shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in a judicial or administrative proceeding.

SLED shall administer the provisions of this subsection and shall make regulations necessary to carry out this subsection's provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a

negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one-hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one-hundredths of one percent but less than eight one-hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time eight one-hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(H) A person who is unconscious or otherwise in a condition rendering the person incapable of refusal is considered to be informed and not to have withdrawn the consent provided by subsection (A) of this section.

(I) A person required to submit to tests by the arresting law enforcement officer must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any trial or other proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of such tests to the officer before a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(J) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

(K) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for such services.

**HISTORY:** 1962 Code Section 46-344; 1952 Code Section 46-344; 1949 (46) 466; 1969 (56) 395; 1987 Act No. 95 Section 9; 1987 Act No. 179 Section 2; 1988 Act No. 348; 1988 Act No. 616; 1993 Act No. 181, Section 1420; 1994 Act No. 497, Part II, Section 36T; 1998 Act No. 434, Section 7; 2000 Act No. 390, Section 14; 2003 Act No. 61, Section 6; 2008 Act No. 201, Section 9, eff February 10, 2009; 2014 Act No. 158 (S.137), Section 13, eff October 1, 2014.

**SECTION 56-5-2951.** Suspension of license for refusal to submit to testing or for certain level of alcohol concentration; temporary alcohol license; administrative hearing; restricted driver's license; penalties.

(A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56-5-2950 or has an alcohol concentration of fifteen one-hundredths of one percent or more. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure.

At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated.

The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, the person waives the person's right to the hearing, and the person's suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of the person's right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings;

(2) the notice of suspension also must advise the person that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person waives the person's right to the contested case hearing, and the suspension continues for the period provided for in subsection (I); and

(3) the notice of suspension also must advise the person that, if the suspension is upheld at the contested case hearing or the person does not request a contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(F) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;

(3) refused to submit to a test pursuant to Section 56-5-2950; or

(4) consented to taking a test pursuant to Section 56-5-2950, and the:

(a) reported alcohol concentration at the time of testing was fifteen one-hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56-5-2950; and

(d) machine was working properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with the Administrative Law Court's appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

(H)(1) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990, and may apply for a restricted license if the person is employed or enrolled in a college or university. The restricted license permits the person to drive only to and from work and the person's place of education and in the course of the person's employment or education during the period of suspension. The restricted license also permits the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court-ordered drug program. The department may issue the restricted license only upon showing by the person that the person is employed or enrolled in a college or university, that the person lives further than one mile from the person's place of employment, place of education, or location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court-ordered drug program, and that there is no adequate public transportation between the person's residence

and the person's place of employment, the person's place of education, the location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court-ordered drug program.

(2) If the department issues a restricted license pursuant to this subsection, the department shall designate reasonable restrictions on the times during which and routes on which the person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of the person's court-ordered drug program, or residence must be reported immediately to the department by the person.

(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state's general fund, and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license is a violation of Section 56-1-460.

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950;

or

(b) one month for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if the person refuses to submit to a test pursuant to Section 56-5-2950, or two months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

(b) for a third offense, twelve months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or four months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an

ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended pursuant to the provisions of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license or permit.

(L) The department shall not suspend the privilege to drive of a person under the age of twenty-one pursuant to Section 56-1-286, if the person's privilege to drive has been suspended pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

(O) The department shall administer the provisions of this section.

(P) If a person does not request a contested case hearing within the thirty-day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court-ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court-ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court-ordered drug program. The

department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court-ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.

**HISTORY:** 1998 Act No. 434, Section 8; 1999 Act No. 115, Sections 7, 8, 13; 1999 Act No. 100, Part II, Section 11; 1999 Act No. 115, Section 15; 2000 Act No. 390, Sections 15 to 22; 2001 Act No. 79, Sections 2.I.1. and 2.I.2.; 2002 Act No. 296, Sections 2, 3; 2002 Act No. 348, Sections 10 and 11; 2002 Act No. 354, Sections 4 and 5; 2003 Act No. 61, Section 7; 2006 Act No. 381, Section 7, eff June 13, 2006; 2008 Act No. 201, Section 10, eff February 10, 2009; 2012 Act No. 212, Section 4, eff June 7, 2012; 2012 Act No. 264, Section 5, eff June 18, 2012; 2014 Act No. 158 (S.137), Section 14, eff October 1, 2014; 2016 Act No. 275 (S.1258), Sections 75, 76, eff July 1, 2016.

**SECTION 56-5-2952.** Filing fee to request contested case hearing.

The filing fee to request a contested case hearing before the Office of Motor Vehicle Hearings of the Administrative Law Court is two hundred dollars, or as otherwise prescribed by the rules of procedure for the Office of Motor Vehicle Hearings. Funds generated from the collection of this fee must be retained by the Administrative Law Court, provided, however, that these funds first must be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the chief judge of the Administrative Law Court.

**HISTORY:** 2002 Act No. 235, Section 1; 2003 Act No. 61, Section 18; 2005 Act No. 128, Section 23, eff July 1, 2005; repealed by 2006 Act No. 381, Section 11, eff June 13, 2006; 2006 Act No. 387, Section 37, eff July 1, 2006; 2008 Act No. 279, Section 7, eff October 1, 2008; 2012 Act No. 212, Section 5, eff June 7, 2012.

Editor's Note

2005 Act No. 128, Section 27, provides as follows:

“This act takes effect on July 1, 2005, and applies to all licensing and administrative hearings involving the South Carolina Department of Consumer Affairs.”

**SECTION 56-5-2953.** Incident site and breath test site video recording.

(A) A person who violates Section 56-5-2930, 56-5-2933, or 56-5-2945 must have his conduct at the incident site and the breath test site video recorded.

(1)(a) The video recording at the incident site must:

(i) not begin later than the activation of the officer's blue lights;

(ii) include any field sobriety tests administered; and

(iii) include the arrest of a person for a violation of Section 56-5-2930 or Section 56-5-2933, or a probable cause determination in that the person violated Section 56-5-2945, and show the person being advised of his Miranda rights.

(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

(2) The video recording at the breath test site must:

(a) include the entire breath test procedure, the person being informed that he is being video recorded, and that he has the right to refuse the test;

(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and

(c) also include the person's conduct during the required twenty-minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period.

(3) The video recordings of the incident site and of the breath test site are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action.

(B) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. Failure by the arresting officer to produce the video recording required by this section is not alone a ground for dismissal of any charge made pursuant to Section 56-5-2930, 56-5-2933, or 56-5-2945 if the arresting officer submits a sworn affidavit certifying that the video recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, road blocks, traffic accident investigations, and citizens' arrests, where an arrest has been made and the video recording equipment has not been activated by blue lights, the failure by the arresting officer to produce the video recordings required by this section is not alone a ground for dismissal. However, as soon as video recording is practicable in these circumstances, video recording must begin and conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure to produce the video recording based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer's failure to produce the video recording.

(C) A video recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.

(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The Department of Public Safety is responsible for purchasing, maintaining, and supplying all videotaping equipment for use in all law enforcement vehicles used for traffic enforcement. The Department of Public Safety also is responsible for monitoring all law enforcement vehicles used for traffic enforcement to ensure proper maintenance of video recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty-seven and one-half percent of the funds

received in accordance with Section 14-1-208(C)(9) must be expended by the Department of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the Department of Public Safety and SLED on a monthly basis. The Department of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14-1-208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The Department of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the department's and SLED's annual appropriation request to the General Assembly.

(F) The Department of Public Safety and SLED must promulgate regulations necessary to implement the provisions of this section.

(G) The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for each law enforcement vehicle used for traffic enforcement once the law enforcement vehicle is equipped with a video recording device. The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for a breath test site once the breath test site is equipped with a video recording device.

HISTORY: 1998 Act No. 434, Section 9; 2000 Act No. 390, Section 23; 2003 Act No. 61, Section 8; 2008 Act No. 201, Section 11, eff February 10, 2009.

**SECTION 56-5-2954.** Breath testing sites; records of problems with devices.

The State Law Enforcement Division and each law enforcement agency with a breath testing site is required to maintain a detailed record of malfunctions, repairs, complaints, or other problems regarding breath testing devices at each site. These records must be electronically recorded. These records, including any and all remarks, must be entered into a breath testing device and subsequently made available on the State Law Enforcement Division web site. The records required by this section are subject to compulsory process issued by any court of competent jurisdiction in this State and are public records under the Freedom of Information Act.

HISTORY: 2000 Act No. 390, Section 24; 2008 Act No. 201, Section 12, eff February 10, 2009.

**SECTION 56-5-2955.** Admissibility of evidence obtained under Section 56-5-2950.

Any evidence obtained under the provisions of Section 56-5-2950 shall not be admissible as evidence to prove a criminal offense other than those offenses delineated in Title 56.

HISTORY: 1987 Act No. 179 Section 3.

**SECTION 56-5-2970.** Reports to Department of Motor Vehicle of convictions, certain pleas and bail forfeitures.

All clerks of court, magistrates, city recorders, and other public officers in this State having charge or responsibility with respect to convictions or of the entry of pleas of guilty or of nolo contendere or of the forfeitures of bail posted for violation of Section 56-5-2930, 56-5-2933, or for convictions or of the entry of pleas of guilty or of nolo contendere or of the forfeitures of bail

posted for violations of any other laws or ordinances of this State that prohibit any person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics are required to report to the Department of Motor Vehicles every such conviction, plea of guilty or of nolo contendere or bail forfeiture within ten days after such conviction, entry of a plea of guilty or of nolo contendere or forfeiture or after the receipt of such report, as the case may be. Such reports shall be made upon forms to be provided by the department, arranged in duplicate, and the director of the Department of Motor Vehicles shall acknowledge the filing of each such report by signing the duplicate of such report and returning it to the officer making it, to be kept by such officer as evidence of his compliance with the requirement that he make such report.

Any person violating the provisions of this section shall be subject to a penalty of twenty-five dollars for each such failure, to be collected by the Attorney General or the solicitors of the State under the direction of the Attorney General and paid into the general fund of the State.

HISTORY: 1962 Code Section 46-347; 1952 Code Section 46-347; 1949 (46) 466; 1956 (49) 1688; 2000 Act No. 390, Section 25.

**SECTION 56-5-2980.** Copies of reports as prima facie evidence of certain matters; effect of stipulating subsequent offense.

In all trials and proceedings in any court of this State in which the defendant is charged with a violation of Section 56-5-2920, 56-5-2930, or 56-5-2933, photostatic, optical disk, or other copies of the reports required to be filed with the Department of Motor Vehicles pursuant to Section 56-5-2970 shall be deemed prima facie evidence of the information contained on such reports for the purpose of showing any previous conviction of the defendant in any other court. Copies of the reports must be duly certified by the director of the department or his designee as true copies. If the defendant stipulates that the charge constitutes a second or subsequent offense, the indictment shall not contain allegations of prior offenses and evidence of such prior offenses must not be introduced.

HISTORY: 1962 Code Section 46-349; 1953 (48) 222; 1996 Act No. 459, Section 185; 2000 Act No. 390, Section 26.

**SECTION 56-5-2990.** Suspension of convicted person's driver's license; period of suspension.

(A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted for a violation of Section 56-5-2930, 56-5-2933, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs.

(2) For a first offense:

(a) If a person is found to have refused to submit to a breath test pursuant to Section 56-5-2950 and is convicted of Section 56-5-2930 or 56-5-2933, the person's driver's license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock

restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of less than fifteen one-hundredths of one percent, the person's driver's license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of fifteen one-hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended pursuant to this section, Section 56-1-286, 56-5-2945, or 56-5-2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court-ordered drug program may use the route restricted or special restricted driver's license to attend the Alcohol and Drug Safety Action Program classes or court-ordered drug program in addition to the other permitted uses of a route restricted driver's license or a special restricted driver's license. An assessment of the extent and nature of the

alcohol and drug abuse problem, if any, of the person must be prepared and a plan of education or treatment, or both, must be developed for the person. Entry into the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the issuance of an ignition interlock restricted license to the person whose license is suspended pursuant to this section. Successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the full restoration of driving privileges to the person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each person shall bear the cost of services recommended in the person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the person has successfully completed services. A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the Department of Motor Vehicles, if the Medical Advisory Board determines public safety and welfare of the person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If a person's driver's license is suspended pursuant to this section, an insurance company shall not refuse to issue insurance to cover the remaining members of the person's family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned the person's license in to the Department of Motor Vehicles.

(F) Except as provided for in Section 56-1-365(D) and (E), the driver's license suspension periods under this section begin on the date the person is convicted, receives sentence upon a

plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56-5-2930, 56-5-2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56-1-365(F).

HISTORY: 1962 Code Section 46-348; 1952 Code Section 46-348; 1949 (46) 466; 1956 (49) 1688; 1958 (50) 1662; 1981 Act No. 167, Section 2; 1982 Act No. 355, Section 4; 1983 Act No. 114 Section 2; 1985 Act No. 201, Part II, Section 39B; 1988 Act No. 532, Section 28; 1988 Act No. 658, Part II, Section 38B; 1993 Act No. 181, Section 1421; 1996 Act No; 459, Section 186; 1998 Act No. 258, Section 13; 1998 Act No. 379, Section 1; 1998 Act No. 434, Section 10; 1999 Act No. 100, Part II, Section 11; 1999 Act No. 115, Section 14; 2000 Act No. 390, Sections 27, 28; 2002 Act No. 296, Section 1; 2002 Act No. 348, Section 9; 2002 Act No. 354, Section 3; 2014 Act No. 158 (S.137), Section 15, eff October 1, 2014; 2015 Act No. 34 (S.590), Section 2, eff June 1, 2015.

**SECTION 56-5-2995.** Additional assessment on persons convicted of driving under influence of intoxicating liquors or drugs.

(A) In addition to the penalties imposed for a first offense violation of Section 56-5-2930 or 56-5-2933 in magistrate's or municipal court, an additional assessment of twelve dollars must be added to any punishment imposed which must be remitted to the State Treasurer who shall then distribute the twelve-dollar assessments in the manner provided in Section 14-1-201.

(B) In addition to the penalties and assessments imposed for a second or subsequent violation of Section 56-5-2930, 56-5-2933, or a violation of Section 56-5-2945 in general sessions court, an additional assessment of twelve dollars must be added to any punishment imposed which must be remitted to the State Treasurer who shall then distribute these twelve-dollar assessments in the manner provided in Section 14-1-201.

HISTORY: 1997 Act No. 155, Part II, Section 37A; 2000 Act No. 390, Section 29.

## ARTICLE 25 Pedestrians; Rights and Duties

**SECTION 56-5-3110.** Pedestrian obedience to traffic-control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 56-5-970 and 56-5-990.

(c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

HISTORY: 1962 Code Section 46-431; 1952 Code Section 46-431; 1949 (46) 466; 1977 Act No. 145 Section 1.

**SECTION 56-5-3120. Local regulations.**

Local authorities may by ordinance require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

HISTORY: 1962 Code Section 46-432; 1952 Code Section 46-432; 1949 (46) 466.

**SECTION 56-5-3130. Pedestrians' right-of-way in crosswalks.**

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) shall not apply under the conditions stated in subsection (b) of Section 56-5-3150.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

HISTORY: 1962 Code Section 46-433; 1952 Code Section 46-433; 1949 (46) 466; 1977 Act No. 145 Section 2.

**SECTION 56-5-3140. Pedestrian shall use right half of crosswalk.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

HISTORY: 1962 Code Section 46-434; 1952 Code Section 46-434; 1949 (46) 466.

**SECTION 56-5-3150. Crossing at other than crosswalks.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices and when authorized to cross diagonally pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

HISTORY: 1962 Code Section 46-435; 1952 Code Section 46-435; 1949 (46) 466; 1977 Act No. 145 Section 3.

**SECTION 56-5-3160. Pedestrians on highways.**

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

HISTORY: 1962 Code Section 46-436; 1952 Code Section 46-436; 1949 (46) 466; 1965 (54) 692; 1971 (57) 296; 1977 Act No. 145 Section 4.

**SECTION 56-5-3170. Pedestrians prohibited on freeways.**

(A) No person as a pedestrian, unless otherwise directed by a law enforcement officer, shall occupy any space within the limits of the roadway and shoulder of the main facility of a freeway, except to perform public works or official duties, as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance.

The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

HISTORY: 1962 Code Section 46-436.1; 1971 (57) 298; 1993 Act No. 98, Section 2.

**SECTION 56-5-3180. Pedestrians soliciting rides or business.**

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) Except when authorized by the provisions of Section 5-27-910, no person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person may stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

HISTORY: 1962 Code Section 46-437; 1952 Code Section 46-437; 1949 (46) 466; 1977 Act No. 145 Section 5; 1988 Act No. 373, Section 3.

**SECTION 56-5-3190. Only blind or incapacitated person may raise certain canes.**

It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

HISTORY: 1962 Code Section 46-438; 1952 Code Section 46-438; 1949 (46) 170.

**SECTION 56-5-3200. Vehicle shall stop for pedestrian guided by dog or raising cane.**

Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

HISTORY: 1962 Code Section 46-439; 1952 Code Section 46-439; 1949 (46) 170.

**SECTION 56-5-3210.** Penalties for violating Sections 56-5-2720, 56-5-3190, or 56-5-3200.

A person who violates any of the provisions of Sections 56-5-3190, 56-5-3200, or 56-5-2720 is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding twenty-five dollars or imprisonment for not exceeding ten days.

HISTORY: 1962 Code Section 46-440; 1952 Code Section 46-440; 1949 (46) 170; 1992 Act No. 399, Section 5.

**SECTION 56-5-3220.** Effect of failure of incapacitated person to carry walking stick or cane, or to be guided by dog.

Nothing contained in Sections 56-5-3190 and 56-5-3200 shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick or not being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick or to be guided by a guide dog upon the streets, highways, or sidewalks of this State to be held to constitute or be evidence of contributory negligence.

HISTORY: 1962 Code Section 46-441; 1952 Code Section 46-441; 1949 (46) 170.

**SECTION 56-5-3230.** Drivers to exercise due care.

Notwithstanding other provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

HISTORY: 1962 Code Section 46-442; 1952 Code Section 46-442; 1949 (46) 466; 1977 Act No. 145 Section 6.

**SECTION 56-5-3240.** Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone.

HISTORY: Former 56-5-3240 [1949 (46) 466; 1952 Code Section 46-396; 1962 Code Section 46-396] repealed by 1977 Act No. 145, Section 13; New 1962 Code Section 46-443 enacted by 1977 Act No. 145, Section 7, and codified as Section 56-5-3240.

**SECTION 56-5-3250.** Pedestrians' right-of-way on sidewalks.

The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

HISTORY: 1962 Code Section 46-444; 1977 Act No. 145 Section 8.

**SECTION 56-5-3260.** Pedestrians yield to authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

HISTORY: 1962 Code Section 46-445; 1977 Act No. 145 Section 9.

**SECTION 56-5-3270.** Pedestrians under influence of alcohol or drugs.

A pedestrian who is under the influence of alcohol, or any drug, to a degree which renders himself a hazard shall not walk or be upon a highway except a sidewalk.

HISTORY: 1962 Code Section 46-446; 1977 Act No. 145 Section 10.

**SECTION 56-5-3280.** Bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

HISTORY: 1962 Code Section 46-447; 1977 Act No. 145 Section 11.

## ARTICLE 26

### Electric Personal Assistive Mobility Devices

**SECTION 56-5-3310.** Electric Personal Assistive Mobility Devices.

(A) As used in this article, "Electric Personal Assistive Mobility Device" or "EPAMD" means a self-balancing two nontandem wheeled device designed to transport one person, with an electric propulsion system with average power of seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by this propulsion system while ridden by an operator weighing one hundred seventy pounds, is less than twenty miles an hour.

(B) The operation of an EPAMD is governed by the provisions of this article. Notwithstanding another provision of law, an EPAMD is not considered a "vehicle" or "motor vehicle" within the meaning of the laws of this State and no provisions of law relating to vehicles or motor vehicles apply to an EPAMD unless specified in this article.

(C) A person may operate an EPAMD upon sidewalks, roadways, bicycle routes, paths, or trails as contained in this article.

(D) A person operating an EPAMD on a sidewalk, roadway, bicycle route, path, or trail shall exercise due care to avoid colliding with, and shall yield the right-of-way to, pedestrians and human powered devices. A person operating an EPAMD also shall give an audible signal before overtaking and passing a pedestrian or person operating a human powered device.

(E) An EPAMD must not be operated at a speed greater than fifteen miles an hour.

(F) A person operating an EPAMD shall obey the instructions of an official traffic control device specifically applicable to him unless otherwise directed by a police officer. A person operating an EPAMD is subject to traffic and pedestrian control signals as provided in Sections 56-5-970 and 56-5-990. At all other places a person operating an EPAMD must be accorded the privileges and is subject to the restrictions contained in this article.

(G) Local authorities by ordinance may require that a person operating an EPAMD strictly comply with the directions of an official traffic control signal and by ordinance may prohibit a person operating an EPAMD from crossing a roadway in a business district or a designated highway except in a crosswalk.

(H) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slow down, or stop to yield to a person operating an EPAMD crossing a roadway within a crosswalk when the person operating the EPAMD is upon or approaching the portion of the roadway on which the vehicle is traveling. A person operating an EPAMD shall not leave a curb suddenly, or another place of safety, move into the path of a vehicle and create an immediate hazard. When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit an EPAMD to cross the roadway, the driver of another vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(I) A person operating an EPAMD shall move, whenever practicable, upon the right portion of a crosswalk.

(J) A person operating an EPAMD while crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. A person operating an EPAMD crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. Between adjacent intersections at which traffic control signals are in operation a person operating an EPAMD shall cross only at an intersection marked crosswalk. A person operating an EPAMD shall not cross a roadway intersection diagonally unless authorized by official traffic control devices. When authorized to cross a roadway diagonally, a person operating an EPAMD shall cross only in accordance with the official traffic control devices pertaining to these crossing movements.

(K) Where a sidewalk is provided and its use is practicable, it is unlawful for a person to operate an EPAMD along and upon an adjacent roadway. Where a sidewalk is not available, a person operating an EPAMD along and upon a highway shall operate only on a shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor a shoulder is available, a person operating an EPAMD along and upon a highway shall operate it as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall operate only on the left side of the roadway. Except as otherwise provided in this chapter, a person operating an EPAMD upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(L) A person operating an EPAMD, unless otherwise directed by a law enforcement officer, shall not occupy a space within the limits of the roadway and shoulder of the main facility of a

freeway, except to perform public works or official duties, resulting from an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance. The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways. A person who violates the provisions contained in this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

(M) Notwithstanding a local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with a person operating an EPAMD and shall give an audible signal when necessary.

(N) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700, or of a police vehicle properly and lawfully making use of an audible signal only, a person operating an EPAMD shall yield the right-of-way to the authorized emergency vehicle. This subsection shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with a person operating an EPAMD.

(O) An EPAMD must not be used to carry more persons than it is designed and equipped to carry.

(P) A person operating an EPAMD shall not enter or remain upon a bridge or an approach to it beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given. A person operating an EPAMD shall not pass through, around, over, or under a crossing gate or a barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(Q) An EPAMD must be equipped with a stopping mechanism which will enable the operator to bring the EPAMD to a controlled stop. A person shall not operate an EPAMD unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet. However, an EPAMD shall not be equipped with, nor shall a person use, a siren or whistle on an EPAMD, except as provided in subsection (R). An EPAMD when in use at nighttime must be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with front, rear, and side reflectors which must be visible from at least three hundred feet.

(R) An authorized police patrol EPAMD used as a part of a police EPAMD patrol may exercise the privileges of an emergency vehicle as provided in Section 56-5-760. An authorized police patrol EPAMD may be equipped with a siren. An officer utilizing a police patrol EPAMD may use his whistle or deploy the vehicle's siren for law enforcement purposes. Notwithstanding the provisions of Section 56-5-760(C), an authorized police patrol EPAMD acting as an emergency vehicle is entitled to the exemptions of an authorized emergency vehicle if it makes use of an audible signal meeting the requirements of Section 56-5-4970 or visual signals meeting the requirements of Section 56-5-4700.

(S) An operator of an EPAMD who violates a provision contained in this article, unless specified in a subsection, is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.

HISTORY: 2002 Act No. 269, Section 1.

## Bicyclists and Users of Play Vehicles; Rights and Duties

### **SECTION 56-5-3410.** Applicability of article to bicycles.

The provisions of this article are applicable to bicycles whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated in this article.

HISTORY: 1962 Code Section 46-451; 1952 Code Section 46-451; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

### **SECTION 56-5-3420.** Rights and duties of bicyclists generally.

A person riding a bicycle upon a roadway must be granted all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special provisions in this article and except as to those provisions of this chapter which by their nature can have no application.

HISTORY: 1962 Code Section 46-452; 1952 Code Section 46-452; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

### **SECTION 56-5-3425.** Bicycle lanes.

(A) For purposes of this section, “bicycle lane” means a portion of the roadway or a paved lane separated from the roadway that has been designated by striping, pavement markings, and signage for the preferential or exclusive use of bicyclists.

(B) Whenever a bicycle lane has been provided adjacent to a roadway, operators of:

(1) motor vehicles may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane; and

(2) bicycles are required to ride in the bicycle lane except when necessary to pass another person riding a bicycle or to avoid an obstruction in the bicycle lane. However, bicyclists may ride on the roadway when there is only an adjacent recreational bicycle path available instead of a bicycle lane.

HISTORY: 2008 Act No. 317, Section 3, eff June 10, 2008.

### **SECTION 56-5-3430.** Riding on roadways and bicycle paths.

(A) Except as provided in subsection (B), every bicyclist operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable. A bicyclist may, but is not required to, ride on the shoulder of the roadway in order to comply with the requirements of this subsection.

(B) A bicyclist may ride in a lane other than the right-hand lane if only one lane is available that permits the bicyclist to continue on his intended route.

(C) When operating a bicycle upon a roadway, a bicyclist must exercise due care when passing a standing vehicle or one proceeding in the same direction.

(D) Bicyclists riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

HISTORY: 1962 Code Section 46-453; 1952 Code Section 46-453; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3435.** Driver to maintain safe operating distance between motor vehicle and bicycle.

A driver of a motor vehicle must at all times maintain a safe operating distance between the motor vehicle and a bicycle.

HISTORY: 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3440.** Manner of riding bicycles; number of persons which may be carried.

A bicyclist propelling a bicycle may not ride other than upon or astride a permanent and regular seat attached to the bicycle. No bicycle may be used to carry more persons at one time than the number for which it is designed and equipped.

HISTORY: 1962 Code Section 46-454; 1952 Code Section 46-454; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3445.** Harassing or throwing object at person riding bicycle; penalty.

It is unlawful to harass, taunt, or maliciously throw an object at or in the direction of any person riding a bicycle. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred fifty dollars or imprisoned not more than thirty days, or both.

HISTORY: 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3450.** Clinging to vehicles prohibited.

A person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle may not attach it or them or himself to a vehicle upon a roadway.

HISTORY: 1962 Code Section 46-455; 1952 Code Section 46-455; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3460.** Carrying articles.

A bicyclist operating a bicycle may not carry any package, bundle, or article that prevents the rider from keeping at least one hand upon the handle bars.

HISTORY: 1962 Code Section 46-456; 1952 Code Section 46-456; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3470.** Lamps and reflectors on bicycle.

A bicycle when in use at nighttime must be equipped with a lamp on the front which must emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear that must be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. A

lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

HISTORY: 1962 Code Section 46-457; 1952 Code Section 46-457; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3480.** Signaling turns; penalty.

(A)(1) A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.

(2) A bicyclist shall indicate a left turn by extending the left arm horizontally.

(3) A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.

(B) A bicyclist is not required to give signals provided for in subsection (A) continuously if the hand or arm is needed to control the bicycle.

(C) A violation of this section is punishable by a fine of twenty-five dollars.

HISTORY: 1962 Code Section 46-458; 1952 Code Section 46-458; 1949 (46) 466; 1997 Act No. 56, Section 2; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3490.** Brake on bicycle; penalty.

A bicycle must be equipped with a brake that will enable the bicyclist to make the braked wheels skid on dry, level, clean pavement. A violation of this section is punishable by a fine of twenty-five dollars.

HISTORY: 1962 Code Section 46-459; 1952 Code Section 46-459; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3500.** Violations of article; penalties.

(A) Except as otherwise provided, in the absence of another violation being cited, a violation of this article by the driver of a motor vehicle is subject to a civil fine of up to one hundred dollars unless a bicyclist is injured as a result of the violation.

(B) In the absence of another violation being cited, a person driving a motor vehicle who violates a provision of this article and the violation is the proximate cause of a:

(1) minor injury to a bicyclist, must be assessed a civil fine of up to five hundred dollars; or

(2) great bodily injury, as defined in Section 56-5-2945, to a bicyclist, must be assessed a civil fine of not more than one thousand dollars.

HISTORY: 1962 Code Section 46-460; 1952 Code Section 46-460; 1949 (46) 466; 2008 Act No. 317, Section 3, eff June 10, 2008.

**SECTION 56-5-3515.** Authorized police patrol bicycles; operating as emergency vehicles.

(A) An authorized police patrol bicycle used as a part of a police bicycle patrol may exercise the privileges of an emergency vehicle provided in Section 56-5-760.

(B) An authorized police patrol bicycle may be equipped with a siren or the officer may utilize a whistle in the performance of his duties, or both.

(C) Notwithstanding the provisions of Section 56-5-760(C), an authorized police patrol bicycle acting as an emergency vehicle is entitled to the exemptions of an authorized emergency vehicle if it makes use of an audible signal meeting the requirements of Section 56-5-4970 or visual signals meeting the requirements of Section 56-5-4700.

HISTORY: 1997 Act No. 56, Section 1; 2008 Act No. 317, Section 3, eff June 10, 2008.

ARTICLE 29  
Motorcyclists; Rights and Duties Thereof

**SECTION 56-5-3610.** Rights and duties of operator of motorcycle generally.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the drivers of motor vehicles, except as to special regulations or other provisions of law which by their nature would not apply.

HISTORY: 1962 Code Section 46-498.4; 1969 (56) 317.

**SECTION 56-5-3630.** Manner in which motorcycles must be operated.

(A) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(B) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(C) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(D) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(E) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the footrests with both feet. Provided, the provisions of this section shall not apply to persons riding in a motorcycle sidecar.

(F) No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on the roadway.

HISTORY: 1962 Code Section 46-498; 1952 Code Section 46-498; 1949 (46) 466; 1978 Act No. 451 Section 6; 2016 Act No. 267 (S.689), Section 2, eff June 7, 2016.

**SECTION 56-5-3640.** Motorcycle entitled to full use of lane; riding two or more abreast; overtaking and passing; operation in other instances.

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Items (b) and (c) shall not apply to police officers in the performance of their official duties.

HISTORY: 1962 Code Section 46-498.2; 1969 (56) 317.

**SECTION 56-5-3650.** Footrests; rear view mirror.

(A) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, must be equipped with footrests for its passenger.

(B) A person shall not operate any motorcycle unless it is equipped with a rear view mirror which will afford the operator ample vision to the rear at all times.

HISTORY: 1962 Code Section 46-498.3; 1969 (56) 317; 2006 Act No. 278, Section 1, eff May 23, 2006.

**SECTION 56-5-3660.** Helmets must be worn by operators and passengers under age twenty-one; helmet design; list of approved helmets.

It shall be unlawful for any person under the age of twenty-one to operate or ride upon a two-wheeled motorized vehicle unless he wears a protective helmet of a type approved by the Department of Public Safety. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The department is hereby authorized to adopt and amend regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder.

HISTORY: 1962 Code Section 46-631; 1967 (55) 199; 1980 Act No. 514, Section 1; 1993 Act No. 181, Section 1422.

**SECTION 56-5-3670.** Goggles or face shields shall be worn by operators under age twenty-one; list of approved goggles and face shields.

It shall be unlawful for any person under the age of twenty-one to operate a two-wheeled motorized vehicle unless he wears goggles or a face shield of a type approved by the Department of Public Safety. The department is hereby authorized to adopt and amend regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder.

HISTORY: 1962 Code Section 46-632; 1967 (55) 199; 1980 Act No. 514, Section 2; 1993 Act No. 181, Section 1423.

**SECTION 56-5-3680.** Wind screens.

The provisions of Section 56-5-3670 with respect to goggles and face shields shall not apply to the operator of a two-wheeled motorized vehicle equipped with a wind screen meeting specifications established by the Department of Public Safety. The department is hereby authorized to adopt and amend regulations covering types of wind screens and specifications therefor.

HISTORY: 1962 Code Section 46-633; 1967 (55) 199; 1993 Act No. 181, Section 1424.

**SECTION 56-5-3690.** Unlawful to sell or distribute helmets, goggles, or face shields not approved by Department of Public Safety.

It shall be unlawful to sell, offer for sale or distribute any protective helmets, goggles or face shields for use by the operators of two-wheeled motorized vehicles, or protective helmets for the use of passengers thereon, unless they are of a type and specification approved by the Department of Public Safety and appear on the list of approved devices maintained by the department.

HISTORY: 1962 Code Section 46-634; 1967 (55) 199; 1993 Act No. 181, Section 1425.

**SECTION 56-5-3700.** Penalty for violation of Sections 56-5-3660 to 56-5-3690.

Any person violating the provisions of Sections 56-5-3660 to 56-5-3690 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 46-635; 1967 (55) 199.

### ARTICLE 30 Moped Regulation

ARTICLE 30, Chapter 5, Title 56 of the 1976 Code is repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

**SECTION 56-5-3710.** Limitations as to riding position and number of riders.  
Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

No person may ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. No moped may be used to carry more persons at one time than the number for which it is designed and equipped.

HISTORY: 1986 Act No. 528, Section 11.

**SECTION 56-5-3720.** Required equipment.

Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

It is unlawful for a person to sell a moped for use on the public highways and streets of this State or operate a moped upon the public highways and streets of this State without operable pedals if the moped is equipped with pedals, at least one rearview mirror, operable running lights, and brake lights which are operable when either brake is deployed. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1986 Act No. 528, Section 11; 1991 Act No. 94, Section 5.

**SECTION 56-5-3730.** Use of operating lights.

Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

The operator of a moped must have the operating lights turned on at all times while the moped is in operation on the public highways and streets of this State.

HISTORY: 1986 Act No. 528, Section 11.

**SECTION 56-5-3740.** Modification of equipment to increase horsepower or speed.

Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

It is unlawful for a person to modify or change the equipment of a moped so that the vehicle exceeds two brake horsepower and produces speeds in excess of thirty miles an hour on level ground. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1986 Act No. 528, Section 11; 1991 Act No. 94, Section 6.

**SECTION 56-5-3750.** Labeling requirements; violations and penalties.

Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

(A) A person who sells, solicits, or advertises the sale of mopeds clearly and conspicuously shall label each moped with its specifications including, but not limited to, the brake horsepower of the motor and the maximum speed of the vehicle on level ground. The seller also shall attach a metal identification plate to each moped without pedals identifying the vehicle as a moped. This plate must be designed by the Department of Motor Vehicles and must display information the department considers necessary for enforcement purposes. The plate must be displayed permanently on each moped without pedals and must not be removed. A seller of mopeds who fails to label a moped, fails to attach a metal identification plate to a moped without pedals, knowingly labels a motorcycle or motor-driven cycle as a moped, or attaches a metal identification plate to a motorcycle or motor-driven cycle identifying the vehicle as a moped is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

(B) It is unlawful for a person to operate a moped without pedals upon the public highways and streets of this State without displaying the metal identification plate which must be attached to the vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

(C) Each vehicle which is incorrectly labeled or plated and each moped which is not labeled or plated is a separate violation of this section.

HISTORY: 1986 Act No. 528, Section 11; 1991 Act No. 94, Section 7; 1993 Act No. 181, Section 1426; 1996 Act No. 459, Section 187.

**SECTION 56-5-3760.** Sign to be posted by persons selling mopeds.

Repealed by 2017 Act No. 89, Section 35, effective November 19, 2018.

The Department of Motor Vehicles shall design a sign which contains a brief explanation of the provisions of law governing the operation of mopeds. Persons selling mopeds shall post the sign in a conspicuous place in their place of business.

HISTORY: 1986 Act No. 528, Section 11.

ARTICLE 31  
Miscellaneous Traffic Rules

**SECTION 56-5-3810.** Limitations on backing.

(a) No driver shall back a vehicle unless such movement can be made with safety and without interfering with other traffic.

(b) No driver shall back a vehicle upon any shoulder or roadway of any controlled-access highway.

HISTORY: 1962 Code Section 46-492; 1952 Code Section 46-492; 1949 (46) 466; 1978 Act No. 451 Section 1.

**SECTION 56-5-3820.** Operation of vehicle when driver's view or control over driving mechanism interfered with.

No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the side or to interfere with his control over the driving mechanism of the vehicle.

HISTORY: 1962 Code Section 46-493; 1952 Code Section 46-493; 1949 (46) 466.

**SECTION 56-5-3822.** Opening vehicle doors.

No person shall open any door of a motor vehicle unless it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

HISTORY: 1978 Act No. 451 Section 2.

**SECTION 56-5-3826.** Riding in moving house trailers prohibited.

No person shall occupy a house trailer while it is being moved upon a public highway.

HISTORY: 1978 Act No. 451 Section 3.

**SECTION 56-5-3830.** Driving through defiles or canyons or on mountain highways.

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold the vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of the vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

HISTORY: 1962 Code Section 46-494; 1952 Code Section 46-494; 1949 (46) 466; 1978 Act No. 451 Section 4.

**SECTION 56-5-3835.** Driving upon sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

HISTORY: 1978 Act No. 451 Section 7.

**SECTION 56-5-3840.** Coasting prohibited.

The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of such vehicle in neutral. The driver of a commercial motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged.

HISTORY: 1962 Code Section 46-495; 1952 Code Section 46-495; 1949 (46) 466.

**SECTION 56-5-3850.** Crossing fire hose prohibited.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

HISTORY: 1962 Code Section 46-497; 1952 Code Section 46-497; 1949 (46) 466.

**SECTION 56-5-3860.** Animals and certain vehicles prohibited on controlled-access highways; exceptions; penalty.

(A)(1) No person, unless otherwise directed by a law enforcement officer, shall occupy any space within the limits of the roadway and shoulders of the main facility of a freeway with an animal-drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, a bicycle with motor attached, a motor-driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or other farm machinery, except in the performance of public works or official duties.

(2) The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways.

(B)(1) A local governing body may authorize a partial exemption from the provisions contained in subsection (A) that would allow bicyclists and pedestrians to use the roadway and shoulders of the main facility of a noninterstate freeway.

(2) The local governing body may authorize a partial exemption to subsection (A) for bicyclists and pedestrians if the local governing body:

(a) determines that bicyclists and pedestrians have no other reasonably safe or viable alternative route and the use of the freeway route is at least ten percent less than the shortest conventional alternate route;

(b) adopts an ordinance allowing bicycle and pedestrian traffic on the shoulder of a main facility of the noninterstate freeway and allowing bicycle and pedestrian traffic on the roadway when utilizing the shoulder is not practicable because of an obstruction or an unpaved shoulder, or when necessary to cross an access ramp in compliance with accepted bicycle safety standards and practices; and

(c) notifies the department that the ordinance has been adopted.

(3) Upon receiving notice pursuant to item (B)(2)(c), the department shall remove all signs prohibiting pedestrians and bicyclists along the roadway and shoulders of the main facility of the portion of the freeway to which the ordinance applies.

(4) The local governing body may request permission from the department to erect appropriate signs and markers along the roadway and shoulders of the main facility of the portion of the freeway to which the partial exemption applies.

(5) Two or more local governing bodies that have jurisdiction over portions of a section of a roadway to which a partial exemption from the provisions contained in subsection (A) is proposed may authorize an exemption for the entire section if the local governing bodies affected by the proposed exemption formally agree to granting the exemption and each local jurisdiction completes the exemption procedure contained in this section for the portion of the roadway section that passes through its jurisdiction.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

HISTORY: 1962 Code Section 46-498.5; 1971 (57) 298; 1993 Act No. 98, Section 3; 2012 Act No. 252, Section 1, eff June 18, 2012.

**SECTION 56-5-3870.** Motor vehicle speed detection jamming devices.

(A) It is unlawful for a motor vehicle to be equipped with or for an operator of a motor vehicle to employ any device that is designed for jamming, scrambling, neutralizing, disabling, or interfering with radar, laser, or any other electronic device used by a law enforcement agency to measure the speed of a motor vehicle.

(B) A person who violates a provision contained in this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars.

HISTORY: 2006 Act No. 279, Section 1, eff May 23, 2006.

**SECTION 56-5-3880.** Closure of state highways for running events.

The Department of Transportation may close state highways, roadways, or bridges to allow marathons or other running events when the race or event is open to all persons including the handicapped if in the opinion of the district engineer the race or event may be conducted in a safe manner. The Department of Transportation, city, county, organization, and sponsors of the race or event are immune from liability except for gross negligence from incidents arising from participation in or association with the race or event.

If the John P. Grace Memorial Bridge is not available for the annual Cooper River Bridge Run and Walk in Charleston County, the Silas N. Pearman Bridge must be made available for the event, if a contingency plan for vehicular traffic can be developed, provided, that if the Cooper River Bridge Run and Walk is not open to persons sixty-five years of age or older, neither bridge may be used for this event.

HISTORY: 1985 Act No. 201, Part II, Section 20A; 1992 Act No. 304, Section 2; 1993 Act No. 181, Section 1427.

**SECTION 56-5-3885.** Unlawful to display obscene bumper sticker.

(A) No person may operate a motor vehicle in this State which has affixed or attached to any part of the motor vehicle which is visible to members of the public not occupying the vehicle any sticker, decal, emblem, or other device containing obscene or indecent words, photographs, or depictions.

(B) Obscene words, photographs, or depictions must be defined and interpreted as provided in Section 16-15-305(B), (C), (D), and (E).

(C) A sticker, decal, emblem, or device is indecent when:

(1) taken as a whole, it describes, in a patently offensive way, as determined by contemporary community standards, sexual acts, excretory functions, or parts of the human body; and

(2) taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(D) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding two hundred dollars.

HISTORY: 1990 Act No. 443, Section 1.

**SECTION 56-5-3890.** Unlawful use of a wireless electronic communication device while operating a motor vehicle; penalties; limitation on law enforcement officers; department to maintain statistical information; preemption of local ordinances.

(A) For purposes of this section:

(1) “Hands-free wireless electronic communication device” means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text-messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) “Text-based communication” means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) “Wireless electronic communication device” means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text-messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands-free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender's motor vehicle insurer.

(2) During the first one hundred eighty days after this section's effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State;

(2) seize, search, view, or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local governmental entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

HISTORY: 2014 Act No. 260 (S.459), Section 1, eff June 9, 2014.

**SECTION 56-5-3900.** Transportation of minors in open vehicles.

(A) It is unlawful to transport a person under fifteen years of age in the open bed or open cargo area of a pickup truck or trailer. An open bed or open cargo area is a bed or cargo area without permanent overhead restraining construction.

(B) Subsection (A) does not apply when:

(1) an adult is present in the bed or cargo area of the vehicle and is supervising the child;

(2) the child is secured or restrained by a seat belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208, installed to support a load of not less than five thousand pounds for each belt, and of a type approved by the Department of Public Safety;

(3) an emergency situation exists;

(4) the vehicle is being operated in an organized hayride or parade pursuant to a valid permit;

(5) the vehicle is being operated while hunting or in an agricultural enterprise;

(6) the vehicle is being operated in a county which has no incorporated area with a population greater than three thousand five hundred; or

(7) the vehicle has a closed metal tailgate and is being operated less than thirty-six miles an hour.

(C) A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars.

(D) No driver's license points or insurance surcharge may be assessed for a violation of this section.

HISTORY: 2002 Act No. 181, Section 8.

### ARTICLE 33 Size, Weight, and Load

**SECTION 56-5-4010.** Size and weight limits not to be exceeded; powers of local authorities.

(A) It is unlawful for a person to drive or move or for the owner to cause or knowingly to permit to be driven or moved on a highway a vehicle of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article. The maximum size and weight of vehicles herein specified is lawful throughout the State, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in this article. Provided, that municipalities and their franchisees may operate combinations of vehicles of not more than four units and not more than sixty-five feet in length on city streets within their corporate limits and the operation of these combinations of units is limited to speeds not in excess of twenty miles an hour, and these combination units must be equipped with brakes meeting braking requirements of Section 56-5-4860 and the rear vehicle must be equipped with at least one stoplight.

(B) The Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.

HISTORY: 1962 Code Section 46-651; 1952 Code Section 46-651; 1949 (46) 466; 1978 Act No. 411 Section 1; 2012 Act No. 180, Section 4, eff May 25, 2012.

**SECTION 56-5-4020.** Exemptions; annual permits for certain vehicles; maximum width for exempt vehicles.

(A) Except as provided in Section 56-5-4140(2), the provisions of this article governing size, weight, and load do not apply to fire apparatus, road machinery or implements, and products of husbandry including farm tractors, timber equipment, liquid fertilizer storage facilities, and vehicles or combinations of vehicles used to transport, store, or spread lime, nitrogen, or other soil improvement products for agricultural purposes moved upon the highways so as not to damage the highways nor unduly interfere with highway traffic, or to vehicles operated under terms of special permits issued pursuant to this chapter. The exemptions do not apply to Section 56-5-4230. With regard to vehicles or combinations of vehicles used to transport, store, or spread soil improvement products and to transport products of husbandry exempted pursuant to this

section, the owners shall obtain an annual permit to operate the vehicle as provided in Section 57-3-130 which prescribes the specific conditions of the exemption.

(B) For purposes of this section, 'timber equipment' means implements of silviculture including, but not limited to, machinery used in establishing, tending, harvesting, and protecting forest crops such as tree shears, chippers, slashers, log loaders, skidders, and fellers.

(C) None of the vehicles or devices exempted by this section may exceed twelve feet in width, except farm implements which may not exceed sixteen feet in width, and they may be moved only in clear weather conditions during daylight hours.

HISTORY: 1962 Code Section 46-653; 1952 Code Section 46-653; 1949 (46) 466; 1954 (48) 1551; 1975 (59) 209; 1976 Act No. 588 Section 3; 1977 Act No. 77; 1980 Act No. 450; 1983 Act No. 151 Part II Section 28A; 1993 Act No. 164, Part II, Section 39B.

**SECTION 56-5-4030.** Width of vehicles.

(A) As contained in this section, "appurtenances" include:

(1) an awning and its support hardware; and

(2) an appendage that is intended to be an integral part of a motor home, travel trailer, or truck camper and is installed by the manufacturer or dealer which includes, but is not limited to, vents, electrical outlet covers, and window frames.

(B) The total outside width of a vehicle or the load on it may not exceed one hundred two inches exclusive of safety devices approved by the Department of Public Safety.

(C) Appurtenances on motor homes, travel trailers, and truck campers in noncommercial use may extend to a maximum of six inches on one side and four inches on the other beyond the maximum width requirement contained in subsection (B).

HISTORY: 1962 Code Section 46-654; 1952 Code Section 46-654; 1949 (46) 466; 1977 Act No. 36; 1986 Act No. 373, Section 1; 1989 Act No. 167, Section 1; 2002 Act No. 197, Section 1.

**SECTION 56-5-4035.** Permit for transporting culvert pipe; penalties.

The Department of Transportation may, under such terms and conditions as it may deem to be in the public interest for safety on the highways and in addition to any other permits required by Title 56, issue annual permits for vehicles transporting culvert pipe on public highways. No permit shall be issued for loads exceeding a width of one hundred six inches, exclusive of safety devices approved by the Department of Public Safety. The fee for each permit shall be fifteen dollars for each vehicle hauling such loads.

Any person violating the provisions of this section or any regulation promulgated by authority hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed two hundred dollars or imprisoned for a term not to exceed thirty days.

HISTORY: 1978 Act No. 516 Section 1; 1996 Act No. 459, Section 188.

**SECTION 56-5-4040.** Width of motor buses and trolley coaches; local ordinances.

Incorporated cities and municipalities may by ordinance permit the operation within their respective jurisdictions of any motor bus or trolley coach with a maximum outside width of not to exceed one hundred and two inches. But in the case of state highways within incorporated cities no such permit shall become effective until approved by the Department of Transportation.

All such permits shall specify the streets or sections of streets over which such trolley coaches may be operated. The term "trolley coach" means a vehicle which is propelled by electric power obtained from overhead trolley wires though not operated upon rails.

The Department of Transportation with respect to the state highways and local authorities with respect to other highways, may issue permits for the operation of motor buses and trolley coaches, having a lateral outside width of not exceeding one hundred and two inches upon any highway, route or routes of sufficient width in suburban areas adjacent to municipalities.

HISTORY: 1962 Code Section 46-655; 1952 Code Section 46-655; 1949 (46) 466; 1950 (46) 2314; 1993 Act No. 181, Section 1428.

**SECTION 56-5-4050.** Side projecting loads on passenger vehicles.

No passenger vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side of such vehicle.

HISTORY: 1962 Code Section 46-656; 1952 Code Section 46-656; 1949 (46) 466.

**SECTION 56-5-4055.** Oversized vehicle on interstate highway.

Notwithstanding any provision of this article, relating to the issuance of permits for the movement of oversized loads or vehicles on the highways of this State or exemptions from permit requirements provided for oversized loads or vehicles, no vehicle or load shall be moved within the interstate highway system if such oversized load or vehicle could not be lawfully moved on the highways of this State pursuant to permit or otherwise on July 1, 1956.

HISTORY: 1978 Act No. 516 Section 2.

**SECTION 56-5-4060.** Height of vehicles; exception; routing permits; underpasses.

(A)(1) No vehicle, unladen or with load, may exceed a height of thirteen feet six inches except that the height of an automobile transporter unit or a heavy truck transporting one or more other heavy trucks in a saddle mount combination may not exceed fourteen feet. Automobile transporters and heavy trucks transporting one or more other heavy trucks in a saddle mount combination are responsible for any personal injury or property damage resulting from operating a unit at a height in excess of thirteen feet six inches.

(2) To qualify for the fourteen foot exception contained in subsection (A)(1), the owner or operator of the heavy truck transporting one or more other heavy trucks in a saddle mount combination must have a valid routing permit issued by the Department of Transportation. All applicants shall be issued routing permits at no charge upon providing the department with evidence of its general liability coverage. Routing permits shall remain valid for twelve months from the date of issuance and specify the routes that may be traveled by the permittee and the conditions the permittee must observe while transporting heavy trucks in a saddle mount combination. Routing permits do not limit or otherwise affect the holder's liability for personal injuries or property damage.

(B) It is unlawful for any person to operate or attempt to operate under any underpass having a vertical clearance of less than thirteen feet six inches any vehicle with a height in excess of the vertical clearance of the underpass posted in accordance with the manual on uniform

traffic-control devices provided for in Section 56-5-920. No person is required to raise, alter, construct, or reconstruct any existing underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle, and neither the State nor any of its agencies or political subdivisions are liable for any personal injury or property damage resulting from the operation of a vehicle over any highway, road, or bridge or through any underpass having a vertical clearance of less than fourteen feet where the Department of Transportation or other body having maintenance jurisdiction of the underpass has posted notice of the reduced vertical clearance in accordance with the manual on uniform traffic-control devices provided for in Section 56-5-920.

HISTORY: 1962 Code Section 46-657; 1952 Code Section 46-657; 1949 (46) 466; 1950 (46) 2314; 1956 (49) 1689; 1960 (51) 1611; 1988 Act No. 298; 1993 Act No. 181, Section 1429; 2008 Act No. 234, Section 4, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-5-4070.** Length of vehicles; limitations on vehicle combinations.

(A) Two or three unit vehicle combinations may be operated on the National System of Interstate and Defense Highways, on those qualifying federal-aid highways so designated by the United States Secretary of Transportation, and on other highways as designated by the Department of Transportation in accordance with Section 56-5-4075. The Department of Public Safety may require warning devices which may be necessary to protect public safety. When in use on the National System of Interstate and Defense Highways and "other qualifying highways":

(1) No trailer or semitrailer may be operated in a two unit truck tractor-trailer or truck tractor-semitrailer combination in excess of fifty-three feet, inclusive of the load carried on it. A fifty-three foot long trailer must be equipped with a rear underride guard, and the distance between the kingpin of the vehicle and the center of the rear axle assembly or to the center of the tandem axle assembly if equipped with two axles may be no greater than forty-one feet. However, trailers or semitrailers used exclusively or primarily to transport vehicles used in connection with motorsports competition events may not exceed forty-six feet on the distance measured from the kingpin to the center of the rear axle.

(2) A trailer or semitrailer, operating in a three unit combination, may not exceed a length of twenty-eight and one-half feet, inclusive of the load carried on it.

(3) Auto and boat transporters may not have an overall length in excess of seventy-five feet, exclusive of front and rear overhang. However, front overhang may not exceed three feet, and rear overhang may not exceed four feet.

(4) Saddle mounts and full mounts may not have an overall length in excess of seventy-five feet.

(B) No motor vehicle, exclusive of truck tractors being used in two or three unit combinations on the National System of Interstate and Defense Highways, on those qualifying federal-aid highways so designated by the United States Secretary of Transportation, and on other highways as designated by the Department of Transportation in accordance with Section 56-5-4075, may exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers and load carried on it, except buses as approved by the Department of Public Safety, or motor homes which may not exceed forty-five feet in length, if the turning radius of the motor home is forty-eight feet or less.

(C) A combination of vehicles coupled together or especially constructed to transport motor vehicles in a truckaway or driveaway service may tow up to three saddle mounts. No other combination of vehicles coupled together may consist of more than two units, except as permitted by subsection (A).

(D) Except as permitted by subsection (A), trailers or semitrailers used within combinations may not exceed a length of fifty-three feet, and auto transporters are excluded from trailer length limitations. A fifty-three foot long trailer must be equipped with a rear underride guard, and the distance between the kingpin of the vehicle and the center of the rear axle assembly or to the center of the tandem axle assembly if equipped with two axles may be no greater than forty-one feet. Auto transporters may be allowed an upper level overhang not to exceed three feet on the front and four feet on the rear.

(E) Except where specifically prohibited in this article, there is no overall length limit on combination vehicles.

(F) Appropriate safety and energy conservation devices and compressors and fuel saving equipment on the front or loading devices on the rear of vehicles must not be considered when determining their length for purposes of this section if the overall length limitations of combinations of vehicles is not exceeded.

HISTORY: 1962 Code Section 46-657.1; 1952 Code Section 46-657; 1949 (46) 466; 1950 (46) 2314; 1956 (49) 1689; 1960 (51) 1611; 1963 (53) 75, 549; 1972 (57) 2397; 1974 (58) 2714; 1978 Act No. 411 Section 2; 1980 Act No. 500, Section 1; 1986 Act No. 373, Section 2; 1989 Act No. 167, Section 2; 1992 Act No. 413, Sections 1, 2; 1993 Act No. 181, Section 1430; 1994 Act No. 511, Section 2; 1996 Act No. 459, Section 189; 1998 Act No. 333, Section 3; 2002 Act No. 197, Sections 2, 3; 2016 Act No. 188 (H.4932), Section 1, eff May 25, 2016.

**SECTION 56-5-4075.** Promulgation of regulations; cooperation with United States Government; petition for removal of federally designated highway.

The Department of Public Safety and the Department of Transportation may promulgate regulations as necessary to implement the provisions of this article. Regulations may be promulgated to make designations as are necessary to provide for those vehicles which operate on the National System of Interstate and Defense Highways and “other qualifying highways” pursuant to Sections 56-5-4030 and 56-5-4070 reasonable access to:

- (a) terminals, facilities for food, fuel, repairs, and rest;
- (b) points of loading and unloading for household goods carriers and auto transporters; and
- (c) specific industrial, commercial, warehousing, and similar sites, only after consulting with and considering the views of the local governments through whose jurisdictions such specific site access would pass.

The Department of Transportation may cooperate with the United States Government by providing information to accomplish uniformity in designating “other qualifying highways”. The information may only be provided after safety and operational requirements of the citizens of this State have been studied by the Department of Transportation. Any proposals by the Department of Transportation to add highways, other than those provided for in (a), (b), and (c) of this section, to the network of “qualifying highways” designated by the U. S. Secretary of Transportation must be approved by the General Assembly before they become effective.

The Governor may petition the Secretary of Transportation of the United States to remove any highway federally designated under the Surface Transportation Assistance Act of 1982 [49 USCS Appx Sections 2301 et seq.], as amended by Congress, and not considered safe.

HISTORY: 1986 Act No. 373, Section 4; 1989 Act No. 167, Section 3; 1993 Act No. 181, Section 1431; 1996 Act No. 459, Section 190.

**SECTION 56-5-4080.** Length of loads; hydraulic boom and bucket.

Subject to the foregoing provisions of this article limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle; provided, that the hydraulic boom and bucket permanently attached to a vehicle used in the maintenance and construction of electric service lines shall not be considered as load within the meaning of this section. Provided, further, that such boom and bucket shall not extend more than eight feet beyond the foremost part of the vehicle.

HISTORY: 1962 Code Section 46-658; 1952 Code Section 46-658; 1949 (46) 466; 1972 (57) 2269.

**SECTION 56-5-4090.** Length of load on certain pole trailers or pole carriers; structural material.

(A) The limitations regarding length of vehicles and loads stated in Sections 56-5-4070 and 56-5-4080 do not apply to a load upon a pole trailer, longwood trailer, or self-propelled pole carrier when transporting poles or logs.

(B) During daylight hours only, the limitations regarding length of vehicles and loads stated in Sections 56-5-4070 and 56-5-4080 do not apply to a load upon a pole trailer, longwood trailer, or self-propelled pole carrier when transporting pipes or structural material which cannot be dismembered.

(C) Between 2:00 a.m. and thirty minutes past sunset, the limitations regarding length of loads stated in Section 56-5-4080 do not apply to loads of iron, steel, and concrete articles up to sixty feet in length carried on a fifty-three foot long flat-bed trailer so long as:

(1) the vehicle is traveling upon or within five miles of the South Carolina Truck Network as defined by regulation of the Department of Transportation;

(2) the load does not extend more than three feet six inches beyond the front of the bed of the trailer;

(3) the load does not extend more than four feet beyond the rear of the bed of the trailer;

(4) a flashing amber strobe light and a red flag as required by Section 56-5-4630 are attached to any overhanging rear load; and,

(5) the vehicle's headlights, taillights, and any other exterior lights are on at all times while traveling upon the highways of this State.

(D) A pole, log, pipe, or other material exceeding eighty feet in length may not be transported unless a permit has been first obtained as authorized in Section 57-3-130.

(E) The provisions of this section do not apply to a pole trailer or self-propelled pole carrier operated by a utility company when transporting a pole to replace a damaged one.

HISTORY: 1962 Code Section 46-659; 1952 Code Section 46-659; 1949 (46) 466; 1956 (49) 1689; 1972 (57) 2270; 1991 Act No. 122, 1996 Act No. 425, Section 4; 1998 Act No. 333, Section 4.

**SECTION 56-5-4095.** Transportation of modular or sectional housing units.

An official of the Department of Transportation designated by the secretary, in his discretion, upon application in writing and good cause being shown, may issue to a vehicle a permit in writing authorizing the applicant to operate or move upon the state's public highways a motor vehicle and loads for transporting not more than two modular housing units or sectional housing units if the total length of the vehicle, including the load, does not exceed the length presently authorized by law and regulation for the transporting of mobile homes. No permit may be issued to any vehicle whose operation upon the public highways of this State threatens the safety of others or threatens to unduly damage a highway or any of its appurtenances.

HISTORY: 1986 Act No. 391; 1993 Act No. 181, Section 1432; 1996 Act No. 459, Section 191.

**SECTION 56-5-4100.** Preventing escape of materials loaded on vehicles; cleaning the highways of escaped substances or cargo.

(A) No vehicle may be driven or moved on any public highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in the cleaning or maintaining of the roadway by the public authority having jurisdiction.

(B) Trucks, trailers, or other vehicles when loaded with rock, gravel, stone, or other similar substances which could blow, leak, sift, or drop must not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; or, if the load is not level, unless the height of the sides of the load against all four walls does not extend above a horizontal line six inches below their tops, and the highest point of the load does not extend above their tops, when loaded at the loading point; or, if not so loaded, unless the load is securely covered by tarpaulin or some other suitable covering; or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle. This subsection also includes the transportation of garbage or waste materials to locations for refuse in this State.

(C) The loader of the vehicle and the driver of the vehicle, in addition to complying with the other provisions of this section, shall sweep or otherwise remove any loose gravel or similar material from the running boards, fenders, bumpers, or other similar exterior portions of the vehicle before it is moved on a public highway.

(D) Any person operating a vehicle from which any substances or cargo, excluding water, have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public highway, shall make every reasonable effort to immediately cause the public highway to be cleaned of all substances and shall pay any costs for the cleaning.

If the person does not make every reasonable effort to clean the public highway promptly, the Department of Transportation or any law enforcement officer may, without the consent of the owner or carrier of the substance or cargo, remove or have removed the substance from the public highway if the substance or cargo is blocking the public highway or endangering public

safety. The State, its political subdivisions, and their officers and employees are not liable for any damages to the substance or cargo that may result from the removal or the disposal of the substance or cargo unless the removal or disposal was carried out recklessly or in a grossly negligent manner. The State, its political subdivisions, and their officers and employees are not liable for any damages or claims of damages that may result from the failure to exercise any authority granted under this section. The owner, driver of the vehicle, or motor carrier of the substance or cargo removed under this subsection shall bear all reasonable costs of its removal and subsequent storage or disposition.

Nothing in this section bars a claim for damages.

(E) Any person who violates the provisions of subsections (B), (C), or (D), is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars.

(F) The provisions contained in subsections (A), (B), and (C) are not applicable to and do not restrict the transportation of seed cotton, soybeans, tobacco, poultry, livestock or silage, or other feed grain used in the feeding of poultry or livestock or of paper, wastepaper utilized for the manufacture of industrial products, paper products, forest products, or textile products.

HISTORY: 1962 Code Section 46-660; 1952 Code Section 46-660; 1949 (46) 466; 1978 Act No. 496 Section 18; 1988 Act No. 532, Section 10; 2004 Act No. 286, Section 3.

**SECTION 56-5-4110.** Loads and covers must be firmly attached.

No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

HISTORY: 1962 Code Section 46-661; 1952 Code Section 46-661; 1949 (46) 466.

**SECTION 56-5-4120.** Connections to trailers and towed vehicles; display of white flag.

When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. When one vehicle is towing another vehicle and the connection consists of a chain, rope or cable there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

HISTORY: 1962 Code Section 46-662; 1952 Code Section 46-662; 1949 (46) 466.

**SECTION 56-5-4130.** Wheel and axle loads; high and low pressure tires.

(A)(1) The gross weight upon any wheel of a vehicle shall not exceed eight thousand pounds when equipped with high-pressure pneumatic, solid rubber or cushion tires, nor ten thousand pounds when equipped with low-pressure pneumatic tires. The gross weight upon any one axle of a vehicle shall not exceed sixteen thousand pounds when equipped with high-pressure pneumatic, solid rubber or cushion tires, nor twenty thousand pounds when equipped with low-pressure pneumatic tires.

(2) On the interstate and noninterstate highways of this State, any over-the-road bus as defined by Title 49 of the United States Code, motorhome, or any vehicle which is regularly and

exclusively used as an intrastate public agency transit passenger bus as defined by Title 49 of the United States Code, is excluded from the axle weight limits in item (1). However, these vehicles are limited to a maximum single axle weight limit of twenty-four thousand pounds, including all enforcement tolerances.

(B) For the purpose of this section an “axle load” shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle, every pneumatic tire designed for use and used when inflated with air to less than one hundred pounds pressure shall be deemed a “low-pressure tire” and every pneumatic tire inflated to one hundred pounds pressure or more shall be deemed a “high-pressure tire”.

HISTORY: 1962 Code Section 46-663; 1952 Code Section 46-663; 1949 (46) 466; 2016 Act No. 188 (H.4932), Section 2, eff May 25, 2016.

**SECTION 56-5-4140.** Gross weight of vehicles, combinations of vehicles, and loads; exceptions.

(A)(1) The gross weight of a vehicle or combination of vehicles, operated or moved upon any section of highway, including the interstate highway system, except where the formula in item (4) allows for a higher weight, shall not exceed:

(The following weight limits do not include applicable tolerances)

	(a)	Single-unit vehicle with two axles	35,000 lbs.
	(b)	Single-unit vehicle with three axles	46,000 lbs.
	(c)	Single-unit vehicle with four axles	63,500 lbs.

except, on the interstate, vehicles must meet axle spacing requirements and corresponding maximum overall gross weights, not to exceed 63,500 lbs., in accordance with the table in item (4).

	(d)	Single-unit vehicle with five or more axles	65,000 lbs.
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except, on the interstate, vehicles must meet axle spacing requirements and corresponding maximum overall gross weights, not to exceed 65,000 lbs., in accordance with the table in item (4).

	(e)	Combination of vehicles with three axle	50,000 lbs.
	(f)	Combination of vehicles with four axles	65,000 lbs.
	(g)	Combination of vehicles with five or more axles	73,280 lbs.

The gross weight imposed upon any highway or section of highway other than the interstate by two or more consecutive axles in tandem articulated from a common attachment to the vehicle and spaced not less than forty inches nor more than ninety-six inches apart shall not exceed thirty-six thousand pounds, and no one axle of any such group of two or more consecutive axles shall exceed the load permitted for a single axle. The load imposed on the highway by two consecutive axles, individually attached to the vehicle and spaced not less than forty inches nor

more than ninety-six inches apart, shall not exceed thirty-six thousand pounds and no one axle of any such group of two consecutive axles shall exceed the load permitted for a single axle.

The ten percent enforcement tolerance specified in Section 56-5-4160 applies to the vehicle weight limits specified in item (1), and subsections (B) and (C). However, the gross weight on a single axle operated on the interstate may not exceed 20,000 pounds, including all enforcement tolerances; the gross weight on a tandem axle operated on the interstate may not exceed 35,200 pounds, including all enforcement tolerances; the overall gross weight for vehicles operated on the interstate may not exceed 75,185 pounds, including all enforcement tolerances except as provided in item (4).

(2) Enforcement tolerance is fifteen percent for a vehicle or trailer transporting unprocessed forest products only on noninterstate routes.

(3) Enforcement tolerance is fifteen percent for a vehicle or trailer transporting sod only on noninterstate routes.

(4) Vehicles with an overall maximum gross weight in excess of 75,185 pounds may operate upon any section of highway in the Interstate System up to an overall maximum of 80,000 pounds in accordance with the following:

The weight imposed upon the highway by any group of two or more consecutive axles may not, unless specially permitted by the Department of Public Safety, exceed an overall gross weight produced by the application of the following formula:

$$W = 500 (LN/N-1 + 12N + 36)$$

In the formula W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration.

As an exception, two consecutive sets of tandem axles may carry a gross load of 68,000 pounds if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The formula is expressed by the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 of 2 or more consecutive axles					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	35,200					
5	35,200					
6	35,200					
7	35,200					
8 and less	35,200	35,200				
more than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			

13		45,500	50,500			
14		46,500	51,500			
15		47,500	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,500	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36			68,000	70,500	75,500	
37			68,000	71,000	76,000	
38			68,000	71,500	77,000	
39			68,000	72,500	77,500	
40			68,500	73,000	78,000	
41			69,500	73,500	78,500	
42			70,000	74,000	79,000	
43			70,500	75,000	80,000	
44			71,500	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			

55			78,500			
56			79,500			
57			80,000			

(B) On the interstate and noninterstate highways of this State, any over-the-road bus as defined in Title 49 of the United States Code, motorhome, or any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus as defined in Title 49 of the United States Code, is excluded from the axle spacing requirements in subsection (A). However, these vehicles are limited to a maximum single axle weight limit of twenty-four thousand pounds, including all enforcement tolerances.

(C) Except on the interstate highway system:

(1) Dump trucks, dump trailers, trucks carrying agricultural products, concrete mixing trucks, fuel oil trucks, line trucks, and trucks designated and constructed for special type work or use are not required to conform to the axle spacing requirements of this section. However, the vehicle is limited to a weight of twenty thousand pounds for each axle plus scale tolerances and the maximum gross weight of these vehicles may not exceed the maximum weight allowed by subsection (A)(1) for the appropriate number of axles, plus allowable scale tolerances.

(2) Concrete mixing trucks which operate within a fifteen-mile radius of their home base are not required to conform to the requirements of this section. However, these vehicles are limited to a maximum load of the rated capacity of the concrete mixer, the true gross load not to exceed sixty-six thousand pounds. All of these vehicles shall have at least three axles each with brake-equipped wheels.

(3) Well-drilling, boring rigs, and tender trucks are not required to conform to the axle spacing requirements of this section. However, the vehicle is limited to seventy thousand pounds gross vehicle weight and twenty-five thousand pounds for each axle plus scale tolerances.

HISTORY: 1962 Code Section 46-664; 1952 Code Section 46-664; 1949 (46) 466; 1963 (53) 76, 122; 1967 (55) 561, 1024; 1970 (56) 2041; 1976 Act No. 569 Section 1; 1980 Act No. 500, Section 2; 1983 Act No. 151 Part III Section 28B; 1985 Act No. 199, Section 2; 1986 Act No. 373, Section 3; 1993 Act No. 164, Part II, Section 92; 1993 Act No. 181, Section 1433; 1996 Act No. 459, Section 192; 1996 Act No. 461, Section 5; 2008 Act No. 234, Section 3, eff upon approval (became law without the Governor's signature on May 22, 2008); 2009 Act No. 60, Section 1, eff June 2, 2009; 2016 Act No. 188 (H.4932), Section 3, eff May 25, 2016.

**SECTION 56-5-4145.** Limitations as to weight, width, and vehicle combinations on Grace Memorial Bridge.

(a) The weights stated in Sections 56-5-4070, 56-5-4075 and 56-5-4140 are applicable to all roads and bridges as designated except the Grace Memorial Bridge in Charleston County on which trucks of no greater weight than ten tons are allowed.

(b) The Grace Memorial Bridge (U.S. Route 17 over the Cooper River in Charleston County) is not a designated route in accordance with the provisions of the Surface Transportation Assistance Act of 1982 [49 USCS Appx Sections 2301 et seq.]. Vehicles being operated or used on such segment of highway may not exceed a width of ninety-six inches nor exceed the gross weight limit as posted by the Department of Transportation, except during emergency conditions as determined by the Department of Transportation. Vehicle combinations of a truck-tractor,

trailer or a truck-tractor, semitrailer or a truck-tractor, semitrailer, trailer or a truck-tractor, trailer-trailer are prohibited from being operated or used on this segment of highway.

HISTORY: 1986 Act No. 373, Sections 7, 8; 1993 Act No. 181, Section 1434.

**SECTION 56-5-4150.** Investigation of vehicles; registration according to load capacity; marking empty weight on farm trucks; marking name of registered owner or lessor on certain vehicles.

(A) The Department of Motor Vehicles upon registering a vehicle, under the laws of this State, which is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may require information and may make investigation or tests necessary to enable it to determine whether the vehicle may be operated safely upon the highways in accordance with all the provisions of this chapter. The department may register the vehicle for a load capacity which, added to the empty or unloaded weight of the vehicle, will result in a permissible gross weight not exceeding the limitations set forth in this chapter. It is unlawful for a person to operate a vehicle or combination of vehicles with a load capacity in excess of that for which it is registered by the department or in excess of the limitations set forth in this chapter. A person making application for a "farm truck" license shall declare in the form prescribed by the department the true unloaded or empty weight of the vehicle and shall stencil or mark in a conspicuous place on the left side of the vehicle the true unloaded or empty weight if the unloaded or empty weight is over five thousand pounds. A "farm truck" operating solely in intrastate commerce and otherwise specified in Section 56-5-225 is not required to have the name of the registered owner, lessor, or lessee stenciled or otherwise marked on the vehicle.

(B) A private motor truck or truck tractor equal to or exceeding 26,001 pounds gross weight and a for-hire motor truck or truck tractor must have the name of the registered owner or lessor on the side clearly distinguishable at a distance of fifty feet. These provisions do not apply to two-axle straight trucks hauling raw farm and forestry products. Except as provided in subsection (A) concerning certain "farm trucks", a truck operating pursuant to the federal motor carrier safety regulations must operate with the owner's, lessor's, or lessee's name as required.

HISTORY: 1962 Code Section 46-665; 1952 Code Section 46-665; 1949 (46) 466; 1959 (51) 391; 1977 Act No. 47; 1978 Act No. 491; 1983 Act No. 20; 1992 Act No. 498, Section 1; 1993 Act No. 164, Part II, Section 39C; 1993 Act No. 181, Section 1435; 1996 Act No. 459, Section 193; 2012 Act No. 180, Section 5, eff May 25, 2012.

**SECTION 56-5-4160.** Weighing vehicles and loads; unloading excess weight; penalties.

(A) An officer or agent of the Department of Public Safety having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle and load either by means of portable or stationary scales and may require that the vehicle be driven to the nearest public scales. Whenever an officer upon weighing a vehicle and load determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load necessary to reduce the axle weight, or gross weight of the vehicle, or both, to the limits permitted under this chapter is removed. All material unloaded must be cared for by the owner or operator of the vehicle at his own risk. In determining whether the limits established by Section 56-5-4130 or 56-5-4140 have been exceeded, the scaled weights of the gross weight of vehicles and combinations of vehicles

are considered to be not closer than ten percent to the true gross weight, except as otherwise provided in Section 56-5-4140.

(B) A person who operates a vehicle on a public highway whose axle weight is in excess of the limits imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, must be fined five cents per pound or imprisoned not more than thirty days, or both. If a vehicle does not exceed the gross weight limits provided for by this article, and the axle weight limits are not exceeded by more than five percent including enforcement tolerances, the fine imposed is reduced by fifty percent with a minimum fine of twenty-five dollars.

(C) A person who operates a vehicle found to exceed the excess gross weight limitations imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, shall pay to the Department of Public Safety a fine based on the following scale:

(1) 500-3,500 pounds: four cents per pound over weight limit;

(2) 3,501-6000 pounds: six cents per pound over weight limit, beginning with the first pound in excess;

(3) 6,001 pounds and over: ten cents per pound over weight limit, beginning with the first pound in excess.

The fine imposed pursuant to items (1) and (2) must be equal to one-half the rate for vehicles transporting raw farm or forest products from the farm or forest to the first market, or by fully enclosed motor vehicles designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters, or by motor vehicles operating open top trailers used for hauling recyclables, scrap, and waste materials from sites without facilities for weighing, when operating for those purposes. If an operator is found to be in violation of both gross and axle limits, only one citation may be issued, the fine being for the greater of the two, for that load. No fine may be issued for violation of the vehicle registration statutes if that vehicle is registered for the maximum allowable weight for that class of vehicle as provided in Section 56-5-4140.

If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the Department of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(D)(1) A person who operates a vehicle found to have out-of-service violations, other than violations of brakes out of adjustment and lighting violations which can be repaired at the scene, detected during a roadside inspection, is guilty of a misdemeanor and, upon conviction, shall pay to the Department of Public Safety a fine of two hundred dollars.

(2)(a) An individual who operates a commercial motor vehicle on a public highway whose vehicle or driver is in violation of the out-of-service order as defined in 49 CFR 390.5 is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars.

(b) A company or individual who operates or allows a commercial motor vehicle to be operated on a public highway in violation of a motor carrier operation out-of-service order, or order to cease operation, is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars.

(3) If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the Department of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(E) At the time that a uniform size, weight, and safety citation is issued pursuant to this section, the officer or agent who is authorized to issue the citation must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the

Department of Public Safety or to receive a hearing in magistrate's court. If the individual at the time the citation is issued elects to pay his fine directly to the department within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the department may designate. The fine must be deposited in full or other arrangements satisfactory to the department for payment must be made before the operator is allowed to move the vehicle.

(F) Magistrates have jurisdiction of all contested violations of this section. All monies collected pursuant to Section 56-5-4160 must be forwarded to the Department of Public Safety as provided for in this section. A magistrate, within forty-five days, must forward all monies collected to the department for deposit in the account established in this section. The department shall use these monies to establish and maintain automated data bases, to upgrade and refurbish existing weigh stations, to purchase and maintain portable scales, to hire additional State Transport Police Officers, to purchase equipment for State Transport Police Officers, and to procure other commercial motor vehicle safety measures, and fund other commercial motor vehicle safety programs that the department considers necessary. The fine may be deposited with the arresting officer or a person the department may designate. The fine must be deposited in full or other arrangements satisfactory to the department for payment must be made before the operator is allowed to move the vehicle. If there is no conviction, the fine must be returned to the owner promptly.

"Conviction", as used in this section, also includes the entry of a plea of guilty or nolo contendere and the forfeiture of bail or collateral deposited to secure a defendant's presence in the court.

If the fine is not paid in full to the Department of Public Safety within forty-five days after conviction, the license and registration of the vehicle found to violate Section 58-23-1120 or Regulations 38-423 et seq. or exceed the limits imposed by Section 56-5-4130 or 56-5-4140 must be suspended. The owner of the vehicles immediately shall return the license and registration of the vehicle to the Department of Motor Vehicles. If a person fails to return them as provided in this section, the Department of Motor Vehicles may secure possession of them by a commissioned trooper or officer. The suspension continues until the fine is paid in full.

(G) The Department of Public Safety shall provide a separate uniform citation to be used by the State Transport Police Division of the Department of Public Safety. The uniform citation must be used for all size, weight, idling, and safety violations which the State Transport Police Division of the Department of Public Safety is primarily responsible for enforcing.

(H) The issuance of a uniform citation to the operator of a vehicle for a violation of this section, Section 58-23-1120, or Regulation 38-423, et seq., constitutes notice to the owner of the violation. The uniform citation must include the following language in bold letters to be printed across the bottom of the citation "THE ISSUANCE OF A UNIFORM CITATION NOTICE TO THE OPERATOR OF A VEHICLE CONSTITUTES NOTICE TO THE OWNER OF A SIZE, WEIGHT, IDLING, OR SAFETY VIOLATION".

(I) An individual who fails to conduct a safety inspection of a vehicle as required by Part 396 of the Federal Motor Carrier Safety Regulations or fails to have in his possession documentation that an inspection has been performed must be fined one hundred dollars per vehicle operated in violation of this subsection.

(J) Motor carriers, officers, or agents in charge of them, who fail or refuse to permit authorized State Transport Police representatives or employees to examine and inspect their books, records, accounts, and documents, or their plants, property, or facilities, as provided by law and with

reasonable notice, are guilty of a misdemeanor. Each day of such failure or refusal constitutes a separate offense and each offense is punishable by a fine of one thousand dollars.

(K) Notwithstanding any other provision of law, all fines collected pursuant to this section must be deposited into an account in the Office of the State Treasurer and called the "Size, Weight, and Safety Revitalization Program Fund for Permanent Improvements". Monies credited to the fund may only be expended as authorized in item (F) of this section.

(L) Notwithstanding any other provision of law, the maximum gross vehicle weight and axle weight limit for a vehicle or combination of vehicles equipped with an idle reduction system, as provided for in 23 U.S.C. 127, may be increased by an amount equal to the weight of the system, not to exceed five hundred fifty pounds. Upon request by a law enforcement officer, the vehicle operator must provide proof that the system is fully functional and that the vehicle's gross weight increase allowed pursuant to this section is attributable only to the system.

(M) Any motor vehicle that is fueled primarily by natural gas shall be allowed to exceed the gross, single axle, tandem axle, or bridge formula weight limits, including tolerances, by no more than two thousand pounds each individually weighed, up to a maximum gross vehicle weight of eighty-two thousand pounds on the interstate, by an amount that is equal to the difference between: the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and the weight of a comparable diesel tank and fueling system. To be eligible for this exception, the operator of the vehicle must be able to demonstrate that the vehicle is a natural gas vehicle, a biofuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle. The operator shall provide documentation which certifies the difference between: the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and the weight of a comparable diesel tank and fueling system.

HISTORY: 1962 Code Section 46-666; 1952 Code Section 46-666; 1949 (46) 466; 1980 Act No. 500 Section 3; 1989 Act No. 167, Section 4; 1990 Act No. 612, Part II, Section 48; 1993 Act No. 164, Part II, Section 20A; 1993 Act No. 181, Sections 1436, 1437; 1996 Act No. 459, Section 194; 2006 Act No. 381, Section 12, eff 90 days after approval by the governor (approved June 13, 2006); 2008 Act No. 234, Sections 2, 7, eff upon approval (became law without the Governor's signature on May 22, 2008); 2016 Act No. 188 (H.4932), Sections 4, 5, eff May 25, 2016.

**SECTION 56-5-4170.** Intermodal trailer, chassis, or container; tender; safety inspections; penalties and repairs; exceptions.

(A) For purposes of enforcing this section, "vehicle" means intermodal trailer, chassis, or container.

(B) A tender shall not tender or interchange a vehicle for use on any highway which is in violation of the requirements contained in the United States Department of Transportation Federal Motor Carrier Safety Regulations (FMCSR). A motor carrier shall not certify or guarantee to a person tendering or interchanging a vehicle to a motor carrier that the vehicle complies with the FMCSR unless the tenderer of the vehicle provides the motor carrier operator with certification that the vehicle meets FMCSR requirements. Before an operator may accept a vehicle, the tenderer must allow the motor carrier operator adequate equipment, time, and facilities to conduct a walk-around pre-trip inspection of the vehicle. If the vehicle fails to meet federal safety requirements, the tenderer immediately must make any necessary repairs to the

vehicle so that it complies with applicable safety standards or immediately make available a replacement vehicle which meets the safety requirements.

(C) The Department of Public Safety State Transport Police, if requested by the State Ports Authority, may as a public safety service, enter upon, and perform courtesy inspections of vehicles for purposes of identifying and tagging vehicles which may require mechanical work before being tendered for use on public highways.

(D) If a vehicle that is tendered is placed out of service as a result of a roadside inspection within five complete working days from the time the motor carrier is tendered, the vehicle as indicated on the equipment interchange agreement, then the operator must be reimbursed for all fines and penalties incurred pursuant to the out-of-service order, including reimbursement for all equipment repair expenses necessary to bring the vehicle into compliance with FMCSR, unless the fines, penalties, or repair expenses are due to actions or omissions of the motor carrier operator after the vehicle was tendered. Reimbursement must be made to the operator no later than thirty days after the date of conviction and must include payment for the following equipment repairs:

- (1) Brake Adjustments:
  - push rod travel exceeds limits.
- (2) Brake Drum:
  - (a) drum cracks;
  - (b) lining thickness loose or missing;
  - (c) lining saturated with oil.
- (3) Inoperative Brakes:
  - (a) no movement of any components;
  - (b) missing or broken (loose) components;
  - (c) mismatch components.
- (4) Air Lines and Tubing:
  - (a) bulge and swelling;
  - (b) audible leak other than proper connection;
  - (c) air lines broken, cracked, or crimped.
- (5) Reservoir Tank:
  - any separation of original attachment points.
- (6) Frames:
  - (a) any cracked, loose, sagging, or broken frame members which measured one and one-half inch in web or one inch or longer in bottom flange or any crack extending from web radius into bottom flange;
  - (b) any condition which causes moving parts to come in contact with the frame.
- (7) Electrical.
- (8) Wheel Assembly:
  - (a) low or no oil;
  - (b) oil leakage on brake components.
- (9) Tire Separation:
  - (a) tire separation from casing;
  - (b) two inches of plies exposed.
- (10) Rim Cracks:
  - (a) any circumferential crack except manufactured;
  - (b) lock or side ring cracked, bent, broken, sprung, improperly seated, or mismatched.

(11) Suspension:

- (a) spring assembly leaves broken, missing, or separated;
- (b) spring hanger, u-bolts, or axle positioning components cracked, broken, loose, or missing.

(12) Chassis Locking Pins:

any twist lock or fitting for securement which is sprung, broken, or improperly latched.

(E) If the originating motor carrier interchanges the vehicle to another mode of transportation or warehouse in substantially the same condition as it was tendered originally to the motor carrier, the originating motor carrier is relieved of any further responsibility for the condition of the vehicle.

(F) The Department of Public Safety shall develop and maintain a separate database on roadside vehicle inspection reports for power unit defects and for defects on any vehicle tendered to the motor carrier. The database may be used to identify and monitor those entities whose responsibility it is to provide any vehicle to motor carriers in roadworthy conditions as prescribed by the FMCSR. Roadside vehicle inspection reports noting defects on any vehicle where there is not ownership by the motor carrier must not be used or applied against the motor carrier when this information may affect the motor carrier's overall record of compliance with the FMCSR.

(G) Nothing in this section prevents a tenderer who is a railroad or a rail intermodal carrier and a motor carrier operator from agreeing to a different allocation of responsibility for compliance of a vehicle with the requirements of this section when the vehicle is owned or has been in the possession of or under the control of a railroad or rail intermodal carrier. This subsection does not apply to Section 56-5-4170(E).

HISTORY: 1998 Act No. 410, Section 1.

**SECTION 56-5-4192.** Authorization; movement of mobile homes on Saturday.

Open-end permits issued pursuant to the provisions of Chapter 3, Title 57 shall authorize the movement of a mobile home on the highways of this State on a Saturday.

HISTORY: 1994 Act No. 439, Section 2; 1996 Act No. 459, Section 195.

**SECTION 56-5-4210.** Reduced load, weight, and speed limits; special regulation or prohibition of specified classes or sizes of vehicles; posting of notices.

Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof

by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

HISTORY: 1962 Code Section 46-668; 1952 Code Section 46-668; 1949 (46) 466; 1993 Act No. 181, Section 1445.

**SECTION 56-5-4220.** Local restrictions under Section 56-5-4210; approval by Department of Transportation.

No limitation shall be established by any county, municipal or other local authority pursuant to the provisions of Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder over state highways, including officially established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.

HISTORY: 1962 Code Section 46-669; 1952 Code Section 46-669; 1949 (46) 466; 1993 Act No. 181, Section 1446.

**SECTION 56-5-4230.** Liability for damages to highway or highway structure.

Any person driving or moving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damages which such highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicles, objects or contrivances or whether such damage is a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weights as provided in this article but authorized by special permit issued pursuant to Section 56-5-4170. Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving it with the express or implied permission of such owner, the owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in any civil action brought by the authorities in control of such highway or highway structure.

HISTORY: 1962 Code Section 46-670; 1952 Code Section 46-670; 1949 (46) 466.

**SECTION 56-5-4240.** Commercial motor vehicle and its driver.

(A) Except as otherwise provided by law or through regulations promulgated by the Department of Public Safety, a commercial motor vehicle (CMV) and its driver operating in intrastate commerce with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) equal to or exceeding 26,001 pounds must meet the requirements of the Federal Motor Carrier Safety

Regulations, as enforced exclusively by the State Transport Police Division of the Department of Public Safety.

(B) CMVs operating below 26,001 pounds are exempt from the regulations cited in subsection (A).

(C) A CMV or its driver is not exempt from the regulations cited in subsection (A) regardless of weight, if the vehicle is:

- (1) designed or used to transport sixteen or more passengers, including the driver; or
- (2) used in the transportation of hazardous materials and is required to be placarded pursuant to 49 C. F. R. part 172, subpart F.

HISTORY: 2012 Act No. 180, Section 2, eff May 25, 2012.

## ARTICLE 35 Equipment and Identification

**SECTION 56-5-4410.** Unlawful to operate unsafe or improperly equipped vehicle or to violate provisions of article.

It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such an unsafe condition as to endanger any person or property or which does not contain those parts or is not at all times equipped with lights, brakes, steering and other equipment in proper condition and adjustment as required in this article or which is equipped in any manner in violation of this article or for any person to do any act forbidden or fail to perform any act required under this article.

HISTORY: 1962 Code Section 46-511; 1952 Code Section 46-511; 1949 (46) 466.

**SECTION 56-5-4420.** Special rules for implements of husbandry, farm tractors, and road machinery.

The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery or farm tractors except as herein made applicable. Every farm tractor equipped with an electric-lighting system shall at all times mentioned in Section 56-5-4450 display a red tail lamp and either a multiple-beam or single-beam road-lighting equipment meeting the requirements of Sections 56-5-4510 to 56-5-4530, 56-5-4770 and 56-5-4790, respectively.

HISTORY: 1962 Code Section 46-512; 1952 Code Section 46-512; 1949 (46) 466.

**SECTION 56-5-4430.** Additional parts and accessories not prohibited.

Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories of any vehicle which are not inconsistent with the provisions of this article.

HISTORY: 1962 Code Section 46-513; 1952 Code Section 46-513; 1949 (46) 466.

**SECTION 56-5-4435.** Safety equipment required for motor vehicles used in vending food.

A motor vehicle which performs business in a residential or abundant housing area and makes frequent or unscheduled stops for the purpose of vendor sales of frozen dairy products or other types of snack foods must be equipped with the following safety features:

(1) an audible alarm signal device when the vehicle is in reverse gear, but the signal must not emit an unreasonably loud or harsh sound;

(2) signal lamps mounted on the front and on the rear as high and as widely spaced laterally as practicable, which are capable of displaying two alternately flashing red lights at the same level. These lights must have sufficient intensity to be visible at five hundred feet in normal sunlight;

(3) an extended mirror outside on both the right and left side of the vehicle to reflect to the driver a view of the street or highway for a distance of at least two hundred feet behind the vehicle;

(4) a rear mirror situated to provide the operator a view of the area immediately behind the vehicle; and

(5) a swing arm located on the front and rear of the vehicle that prohibits a person from walking directly in front of or behind the vehicle. The swing arm must be engaged when the vehicle is stopped for the purpose of vending products.

This section does not apply to a vehicle that delivers or distributes foods to commercial properties or construction sites only.

HISTORY: 1994 Act No. 303, Section 1.

**SECTION 56-5-4440. Image display devices.**

(A) As used in this section, “image display device” means equipment capable of displaying to the driver of a motor vehicle:

(1) a broadcast television image; or

(2) a visual image, other than text, from a digital video disc or other storage device.

(B) Except as provided in subsection (E) of this section, no person shall drive a motor vehicle equipped with any image display device which is located in the motor vehicle at any point forward of the back of the driver’s seat, or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

(C) Except as provided in subsection (E) of this section, no person may install in a motor vehicle an image display device intended to be visible to a driver in the normal driving position when the vehicle is in motion and when restrained by the vehicle seat belts adjusted in accordance with the manufacturer’s recommendations.

(D) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

(E) Subsections (B) and (C) of this section do not apply to the following:

(1) emergency vehicles;

(2) image display devices that are displaying images that provide the driver with navigation and related traffic, road, and weather information;

(3) image display devices providing vehicle information or information related to the driving task;

(4) image display devices used to enhance or supplement the driver’s view forward, behind, or to the sides of the motor vehicle;

(5) image display devices that permit the driver to monitor vehicle occupants seated rearward of the driver;

(6) image display devices that do not display images to the driver while the vehicle is in motion; or

(7) any use of an image display device while a vehicle is parked.

HISTORY: 1962 Code Section 46-514; 1965 (54) 323; 2008 Act No. 285, Section 3, eff June 11, 2008.

**SECTION 56-5-4445.** Unlawful to elevate or lower motor vehicle; exception for “pickup trucks”.

It shall be unlawful for any person to drive a passenger motor vehicle on the highways of this State which has been elevated or lowered either in front or back more than six inches by a modification, alteration or change in the physical structure of the vehicle. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than fifty dollars. Provided, however, this shall not apply to motor vehicles commonly called “pickup trucks”.

HISTORY: 1978 Act No. 447.

**SECTION 56-5-4450.** Times when vehicles must be equipped with lights.

Section effective until November 19, 2018. See, also, section 56-5-4450 effective November 19, 2018.

Every vehicle upon a street or highway within this State shall display lighted lamps and illuminating devices, excluding parking lights, from a half hour after sunset to a half hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead as required in this article for different classes of vehicles, subject to exceptions with respect to parked vehicles as provided in this article; provided, however, the provisions of this section requiring use of lights in conjunction with the use of windshield wipers shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

Until January 1, 1989, any person who fails to display the lights of a vehicle he is operating when lights are required by this section due to inclement weather or environmental factors may be issued only a warning ticket.

Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be fined up to twenty-five dollars.

HISTORY: 1962 Code Section 46-521; 1952 Code Section 46-521; 1949 (46) 466; 1988 Act No. 532, Section 11.

**SECTION 56-5-4450.** Times when vehicles must be equipped with lights.

Section effective November 19, 2018. See, also, section 56-5-4450 effective until November 19, 2018.

(A) Every vehicle upon a street or highway within this State shall display lighted lamps and illuminating devices, excluding parking lights, from a half hour after sunset to a half hour before

sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead as required in this article for different classes of vehicles, subject to exceptions with respect to parked vehicles as provided in this article; provided, however, the provisions of this section requiring use of lights in conjunction with the use of windshield wipers shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

(B) Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be fined up to twenty-five dollars.

HISTORY: 1962 Code Section 46-521; 1952 Code Section 46-521; 1949 (46) 466; 1988 Act No. 532, Section 11; 2017 Act No. 89 (H.3247), Section 27, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 27, inserted the paragraph identifiers, and deleted the second paragraph of (A), which had related to warning tickets for failure to display the lights of a vehicle.

**SECTION 56-5-4460.** Time when motorcycle lights must be turned on.

(1) Any person who operates a motorcycle or motor-driven cycle on public streets or highways shall, while so engaged, have the headlights of such motorcycle or motor-driven cycle turned on except for those vehicles exempted by Section 56-5-4470.

(2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or be imprisoned for not more than ten days.

HISTORY: 1962 Code Section 46-521.1; 1973 (58) 634.

**SECTION 56-5-4470.** Lighted lamps not required for vehicles not operated at night.

Vehicles which are not kept for use or used at any time when lighted lamps are required by Section 56-5-4450 need not be equipped with the lighting equipment otherwise required in this article for use at such times and it shall be unlawful for any person to drive or move any such vehicle or for the owner to permit such vehicle to be driven or moved on any highway during such times unless it shall comply with all provisions of this article with respect to lighted lamps and other equipment.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days or both.

HISTORY: 1962 Code Section 46-522; 1952 Code Section 46-522; 1949 (46) 466; 1967 (55) 1024.

**SECTION 56-5-4480.** Visibility distance and mounted height of lamps.

Whenever a requirement is herein declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall render objects visible, such provisions shall apply during the times stated in Section 56-5-4450 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated. Whenever a requirement is

herein declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without load.

HISTORY: 1962 Code Section 46-523; 1952 Code Section 46-523; 1949 (46) 466.

**SECTION 56-5-4490.** Head lamps required on motor vehicles and motorcycles.

Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. Such head lamps shall comply with the requirements and limitations set forth in this article. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.

HISTORY: 1962 Code Section 46-524; 1952 Code Section 46-524; 1949 (46) 466.

**SECTION 56-5-4500.** Height of head lamps from ground.

Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in Section 56-5-4480. However, this section shall apply only to new vehicles sold in this State after June 30, 1949.

HISTORY: 1962 Code Section 46-525; 1952 Code Section 46-525; 1949 (46) 466; 1957 (50) 113.

**SECTION 56-5-4510.** Tail lamps required.

Every motor vehicle, trailer, semitrailer and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear which, when lighted as herein required, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided, that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

HISTORY: 1962 Code Section 46-526; 1952 Code Section 46-526; 1949 (46) 466.

**SECTION 56-5-4520.** Height of tail lamps.

Every tail lamp upon every vehicle shall be located at a height of not more than sixty inches nor less than twenty inches to be measured as set forth in Section 56-5-4480.

HISTORY: 1962 Code Section 46-527; 1952 Code Section 46-527; 1949 (46) 466.

**SECTION 56-5-4530.** Illumination of rear registration plate.

Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

HISTORY: 1962 Code Section 46-528; 1952 Code Section 46-528; 1949 (46) 466.

**SECTION 56-5-4540.** Motor vehicles must be equipped with rear reflectors.

Every new motor vehicle sold after June 7, 1949 and operated upon a highway, other than a truck tractor, motorcycle and motor-driven cycle, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors meeting the requirements of this article, and every such motorcycle and every such motor-driven cycle shall carry at least one such reflector, except that vehicles of the type referred to in Section 56-5-4570 shall be equipped with reflectors as required in the sections applicable thereto.

HISTORY: 1962 Code Section 46-529; 1952 Code Section 46-529; 1949 (46) 466.

**SECTION 56-5-4550.** Characteristics and mounting of rear reflectors.

Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Section 56-5-4480 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle except that visibility from the greater distance is herein required of reflectors on certain types of vehicles.

HISTORY: 1962 Code Section 46-530; 1952 Code Section 46-530; 1949 (46) 466.

**SECTION 56-5-4560.** Stop lamps required on motor vehicles.

From and after July 1, 1949 it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this State or for any person to drive such vehicle on the highways unless it is equipped with a stop lamp meeting the requirements of Section 56-5-4730.

HISTORY: 1962 Code Section 46-531; 1952 Code Section 46-531; 1949 (46) 466.

**SECTION 56-5-4570.** Application of succeeding sections; lighting of lamp equipment.

Those sections of this chapter which follow immediately, including Sections 56-5-4580 to 56-5-4620, relating to clearance and marker lamps, reflectors and stop lights shall apply as stated in such sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors and certain trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and such vehicles shall be equipped as required, and all lamp equipment required shall be lighted at the times stated in Section 56-5-4450, except that clearance and side-marker lamps need not be lighted on any such vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

HISTORY: 1962 Code Section 46-532; 1952 Code Section 46-532; 1949 (46) 466.

**SECTION 56-5-4580.** Additional lighting equipment required on buses, trucks, trailers, semitrailers, and pole trailers.

In addition to other equipment required in this article, the vehicles listed below must be equipped as provided in this section when operated under the conditions stated in Section 56-5-4570:

- (1) On every bus or truck, whatever its size, on the rear, two reflectors, one on each side and one stop light;
- (2) On every bus or truck eighty inches or more in over-all width, in addition to the requirements in item (1),
  - (a) on the front, two clearance lamps, one at each side,
  - (b) on the rear, two clearance lamps, one at each side,
  - (c) on each side, two side-marker lamps, one at or near the front and one at or near the rear,and
  - (d) on each side, two reflectors, one at or near the front and one at or near the rear;
- (3) On every truck tractor,
  - (a) on the front, two clearance lamps, one at each side, and
  - (b) on the rear, one stop light;
- (4) On every trailer or semitrailer having a gross weight in excess of three thousand pounds,
  - (a) on the front, two clearance lamps, one at each side,
  - (b) on each side, two side-marker lamps, one at or near the front and one at or near the rear,
  - (c) on each side, two reflectors, one at or near the front and one at or near the rear, and
  - (d) on the rear, two clearance lamps, one at each side, and also two reflectors, one at each side, and one stop light;
- (5) On every pole trailer in excess of three thousand pounds gross weight,
  - (a) on each side, one side-marker lamp and one clearance lamp, which may be in combination, to show to the front, side, and rear, and
  - (b) on the rear of the pole trailer or load, two reflectors, one at each side;
- (6) On every trailer, semitrailer, or pole trailer weighing three thousand pounds gross or less, on the rear two reflectors, one on each side. If a trailer or semitrailer is loaded or is of dimensions so as to obscure the stop light on the towing vehicle then the vehicle also must be equipped with one stop light;
- (7) On every pole truck or trailer, a strip of light reflecting paint, tape, or reflectors on the external sides of the pole support frame or bolsters, or both, where practical.

HISTORY: 1962 Code Section 46-533; 1952 Code Section 46-533; 1949 (46) 466; 1993 Act No. 81, Section 1.

**SECTION 56-5-4590.** Color of clearance lamps, side-marker lamps, reflectors, stop lights, and back-up lamps.

Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow and except that the light illuminating the license plate or the light emitted by a back-up lamp shall be white.

HISTORY: 1962 Code Section 46-534; 1952 Code Section 46-534; 1949 (46) 466.

**SECTION 56-5-4600.** Mounting of reflectors, clearance lamps, and side-marker lamps.

Reflectors, when required pursuant to Section 56-5-4580, shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side-marker lamps may be mounted in combination, provided illumination is given as required herein with reference to both.

HISTORY: 1962 Code Section 46-535; 1952 Code Section 46-535; 1949 (46) 466.

**SECTION 56-5-4610.** Visibility of reflectors, clearance lamps, and marker lamps.

Every reflector upon any vehicle referred to in Section 56-5-4580 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides and those mounted on the rear shall reflect a red color to the rear.

Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.

Side-marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

HISTORY: 1962 Code Section 46-536; 1952 Code Section 46-536; 1949 (46) 466.

**SECTION 56-5-4620.** Lighting lamps on vehicles operated in combination.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

HISTORY: 1962 Code Section 46-537; 1952 Code Section 46-537; 1949 (46) 466.

**SECTION 56-5-4630.** Lamp or flag on projecting load.

(A) Whenever the load upon a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, the vehicle must be equipped with, at the times specified in Section 56-5-4450, the following safety equipment:

(1) for any commercial motor vehicle as defined in this title transporting unmanufactured forest products as defined in Department of Public Safety Regulation 38-390, one amber strobe-type lamp equipped with a multi-directional-type lens securely affixed as close as practical to the end of the projecting load, so as to be visible from the rear and side of the projecting load. If one strobe lamp fails to make the projecting load visible from both sides and the rear of the projecting load, multiple strobe lamps must be utilized to meet the visibility requirements. The strobe lamp shall flash at a rate of at least sixty flashes per minute and must be plainly visible from a distance of at least five hundred feet to the sides and rear of the projecting load. The lamp must be operating any time the vehicle is operated on a highway or parked on the shoulder or immediately adjacent to the traveled portion of a public roadway; or

(2) a red light or lantern plainly visible from a distance of at least five hundred feet to the side or rear must be displayed at the extreme rear of the load if the strobe light required by this section becomes temporarily inoperable while transporting a load between points.

(B) The projecting load must be marked at the extreme rear of the load with a red flag or cloth not less than twelve inches by twelve inches and hung so that the entire area is visible to the driver of a vehicle approaching from the rear.

(C) Utility companies when responding to an emergency situation such as caused by storms or accidents are exempt from the provisions of this section.

HISTORY: 1962 Code Section 46-538; 1952 Code Section 46-538; 1949 (46) 466; 1985 Act No. 199, Section 1; 1996 Act No. 425, Section 5; 2008 Act No. 234, Section 1, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-5-4640.** Lights on parked vehicles.

Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway, no lights need be displayed upon such parked vehicle. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of such lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

HISTORY: 1962 Code Section 46-539; 1952 Code Section 46-539; 1949 (46) 466; 1959 (51) 124.

**SECTION 56-5-4650.** Lamps on other vehicles and equipment.

All vehicles, including animal-drawn vehicles and implements of husbandry, road machinery or farm tractors and other vehicles not otherwise specifically required to be equipped with lamps, shall at the times specified in Section 56-5-4450 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern or reflector exhibiting a red light visible from a distance of five hundred feet to the rear.

HISTORY: 1962 Code Section 46-540; 1952 Code Section 46-540; 1949 (46) 466.

**SECTION 56-5-4660.** Spot lamps.

Any motor vehicle may be equipped with not to exceed one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

HISTORY: 1962 Code Section 46-541; 1952 Code Section 46-541; 1949 (46) 466.

**SECTION 56-5-4670.** Fog lamps.

Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.

HISTORY: 1962 Code Section 46-542; 1952 Code Section 46-542; 1949 (46) 466.

**SECTION 56-5-4680.** Auxiliary passing lamps.

Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary passing lamp shall meet the requirements and limitations set forth in this article.

HISTORY: 1962 Code Section 46-543; 1952 Code Section 46-543; 1949 (46) 466.

**SECTION 56-5-4690.** Auxiliary driving lamps.

Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this article.

HISTORY: 1962 Code Section 46-544; 1952 Code Section 46-544; 1949 (46) 466.

**SECTION 56-5-4700.** Audible signal devices and signal lamps for authorized emergency vehicles, school buses and police vehicles; restrictions on use; effect of use.

(A) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

(B) Every school bus and every authorized emergency vehicle, in addition to any other equipment and distinctive markings required by this chapter, must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet in normal sunlight. However, vehicles of a fire department or funeral home when equipped with a mounted, oscillating, rotating, or flashing red light, visible in all directions for a distance of five hundred feet in normal sunlight, are not required to have additional signal lamps.

(C) All police vehicles when used as authorized emergency vehicles must be equipped with oscillating, rotating, or flashing blue lights. In addition to the blue lights, the police vehicle may, but need not be equipped with alternately flashing red lights as herein specified, and may, but need not be equipped with oscillating, rotating, or flashing red lights, white lights, or both, in combination with the required blue lights. The authorized emergency police vehicle lights described herein must be visible for a distance of five hundred feet in all directions in normal sunlight. It shall be unlawful for any person to possess or display on any vehicle any blue light that is visible from outside the vehicle except one used primarily for law enforcement purposes.

(D) The alternately flashing lighting described in subsection (B) of this section shall not be used on any vehicle other than an authorized emergency vehicle. Provided, that a school bus may use the alternately flashing red lighting described in subsection (B), or red flashing lights in the rear and amber flashing lights in the front.

(E) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in Sections 56-5-2360 and 56-5-2770.

HISTORY: 1962 Code Section 46-544.1; 1966 (54) 2567; 1967 (55) 131; 1970 (56) 2320; 1979 Act No. 43; 2003 Act No. 65, Section 1.

**SECTION 56-5-4710.** Use of mounted oscillating, rotating, or flashing red light by wreckers.

Wreckers may use a mounted oscillating, rotating or flashing red light only at the scene of accidents.

HISTORY: 1962 Code Section 46-544.2; 1970 (56) 2319.

**SECTION 56-5-4715.** Forestry Commission vehicles authorized to use flashing red lights in fire emergencies.

Notwithstanding Section 56-5-4700, emergency and fire fighting vehicles of the South Carolina Forestry Commission may but not need be equipped with oscillating, rotating, or flashing red lights for use during any fire emergency. If a red light is used, it must be visible for a distance of five hundred feet in all directions in normal sunlight. The State Forestry Commission shall determine which vehicles should have red, yellow, white, or amber lights, or a combination thereof, and determine when a fire emergency exists. A forestry vehicle equipped with a red light is not required to have a siren or any other audible signal pursuant to Section 56-5-4700(a).

HISTORY: 1991 Act No. 97, Section 1.

**SECTION 56-5-4720.** Use of oscillating, rotating or flashing red lights on Department of Transportation vehicles.

Notwithstanding the provisions of Section 56-5-4700, any Department of Transportation vehicle may use oscillating, rotating or flashing red lights during any emergency. The Department of Transportation personnel shall determine when an emergency exists.

HISTORY: 1962 Code Section 46-544.3; 1971 (57) 453; 1993 Act No. 181, Section 1447; 1996 Act No. 459, Section 196.

**SECTION 56-5-4730.** Signal lamps and signal devices.

Any motor vehicle may be equipped, and when required under this chapter shall be equipped, with the following signal lamps and devices:

(1) A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp; and

(2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

All mechanical signal devices shall be self-illuminated when in use at the times specified in Section 56-5-4450.

When a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle, such vehicle shall be equipped with such signal devices as are described in this section.

HISTORY: 1962 Code Section 46-545; 1952 Code Section 46-545; 1949 (46) 466.

**SECTION 56-5-4740.** Warning lamps.

Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

HISTORY: 1962 Code Section 46-545.1; 1957 (50) 59.

**SECTION 56-5-4750.** Side cowl, running board, and back-up lamps.

Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

HISTORY: 1962 Code Section 46-546; 1952 Code Section 46-546; 1949 (46) 466; 1957 (50) 59.

**SECTION 56-5-4760.** Identification lamps for large commercial vehicles.

Any commercial vehicle eighty inches or more in over-all width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be placed in a row and may be mounted either horizontally or vertically.

HISTORY: 1962 Code Section 46-546.1; 1957 (50) 59.

**SECTION 56-5-4770.** Multiple-beam road-lighting equipment.

Except as hereinafter provided in this article the head lamps, the auxiliary driving lamps or the auxiliary passing lamps, or combinations thereof, on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and may be so arranged that such selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed so as to strike the eyes of an approaching driver; and

(3) Every motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after January 1, 1949 which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. Such indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

HISTORY: 1962 Code Section 46-547; 1952 Code Section 46-547; 1949 (46) 466; 1955 (49) 89.

**SECTION 56-5-4780.** Use of multiple-beam road-lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 56-5-4450, the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver;

(2) The lowermost distribution of light or composite beam specified in item (2) of Section 56-5-4770 shall be aimed to avoid glare at all times, regardless of road contour and loading; and

(3) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this section other than the uppermost distribution of light specified in item (1) of Section 56-5-4770.

HISTORY: 1962 Code Section 46-548; 1952 Code Section 46-548; 1949 (46) 466; 1955 (49) 89.

**SECTION 56-5-4790.** Single-beam road-lighting equipment.

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to April 29, 1939 in lieu of multiple-beam road-lighting equipment herein specified, if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead; and

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

HISTORY: 1962 Code Section 46-549; 1952 Code Section 46-549; 1949 (46) 466.

**SECTION 56-5-4800.** Road-lighting equipment on motor-driven cycles.

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and any such motor-driven cycle shall be subject to the speed limitations in Section 56-5-1550;

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth above and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in item (2) of Section 56-5-4770; and

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

HISTORY: 1962 Code Section 46-550; 1952 Code Section 46-550; 1949 (46) 466; 1955 (49) 89.

**SECTION 56-5-4810.** Alternate road-lighting equipment at low speeds.

Any motor vehicle may be operated under the conditions specified in Section 56-5-4450 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Sections 56-5-4770 and 56-5-4790, provided that it is at no time operated at a speed in excess of twenty miles per hour.

HISTORY: 1962 Code Section 46-551; 1952 Code Section 46-551; 1949 (46) 466.

**SECTION 56-5-4820.** Number of driving lamps required or permitted.

At all times specified in Section 56-5-4450 at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motor cycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps, a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

HISTORY: 1962 Code Section 46-552; 1952 Code Section 46-552; 1949 (46) 466.

**SECTION 56-5-4830.** Special restrictions on lamps; degree of intensity; red, blue and flashing lights.

Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which project a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

A person shall not drive, move, or park any vehicle or equipment upon a highway with a lamp or device on it displaying a red or blue light visible from directly in front of the center of it. This section shall not apply to a vehicle upon which a red or blue light visible from the front is expressly authorized or required by this chapter.

Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment, or on any vehicle as a means of indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

HISTORY: 1962 Code Section 46-553; 1952 Code Section 46-553; 1949 (46) 466; 1957 (50) 112; 2003 Act No. 65, Section 2.

**SECTION 56-5-4840.** Selling or using devices or equipment to change design or performance of lamps or reflectors.

It shall be unlawful for any person to sell, offer for sale or use any device or equipment which tends to change the original design or performance of any head lamps or any other lamps or reflectors required by law to be attached to motor vehicles, trailers or semitrailers unless the equipment or device has been approved by the director of the Department of Public Safety.

HISTORY: 1962 Code Section 46-554; 1960 (51) 1969; 1993 Act No. 181, Section 1448.

**SECTION 56-5-4850.** Brake equipment.

Every motor vehicle, trailer, semitrailer and pole trailer and any combination of such vehicles operating upon a highway within this State, shall be equipped with brakes in compliance with the requirements of this chapter.

(a) Every such vehicle and combination of vehicles, except special mobile equipment, shall be equipped with service brakes complying with the performance requirements of Section 56-5-4860 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(b) Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(c) Every vehicle, manufactured or assembled after June 7, 1949, shall be equipped with brakes acting on all wheels except:

(1) Trailers, semitrailers or pole trailers, of a gross weight not exceeding three thousand pounds, provided that:

(a) The total weight on and including the wheels of the trailer shall not exceed forty per cent of the gross weight of the towing vehicle when connected to the trailer, and

(b) The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of Section 56-5-4860.

(2) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of Section 56-5-4860.

(3) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of Section 56-5-4860.

(4) Special mobile equipment.

(5) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of Section 56-5-4860.

(d) Every trailer, semitrailer and pole trailer, equipped with air or vacuum actuated brakes and every trailer, semitrailer and pole trailer, with a gross weight in excess of three thousand pounds, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(e) Every motor vehicle, manufactured or assembled after July 1, 1964 and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(f) Air brakes systems, installed on trailers manufactured or assembled after July 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(g)(1) Every towing vehicle, manufactured or assembled after July 1, 1964, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(2) Every towing vehicle, manufactured or assembled after July 1, 1964, used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by item (h), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(h) Every motor vehicle, trailer, semitrailer and pole trailer, manufactured or assembled after July 1, 1964, and every combination of such vehicles, except motorcycles and motor-driven cycles equipped with brakes, shall have the braking system so arranged that one control device can be used to operate all service brakes. Trailers, equipped with special automatic braking systems actuated by forward pressure on the towing hitch when the towing vehicle is braked, shall be considered as satisfying this requirement, provided the performance capabilities of the trailer brake system meet the requirements of Section 56-5-4860. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway

operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

(i)(1) Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty per cent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(2) Every truck with three or more axles equipped with vacuum assistor type brakes, manufactured or assembled after July 1, 1964, and every truck-tractor and truck, manufactured or assembled after July 1, 1964, used for towing a vehicle equipped with vacuum brakes, shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty per cent.

(3) All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(j)(1) Every bus, truck or truck-tractor, using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty per cent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(2) Every motor vehicle, manufactured or assembled after July 1, 1964, and used for towing a vehicle equipped with vacuum operated brakes and every truck, manufactured or assembled after July 1, 1964, with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(3) When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

HISTORY: 1962 Code Section 46-561; 1952 Code Section 46-561; 1949 (46) 466; 1964 (53) 2127.

**SECTION 56-5-4860.** Performance ability of brakes; tests for deceleration and stopping distances.

Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(b) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second tabulated herein for its classification, and

(c) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or controls begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one per cent grade), dry, smooth, hard surface that is free from loose material.

Classification of Vehicles		Braking force at a percentage of gross vehicle or combination weight	Deceleration in feet per second	Brake System application and braking distance in feet from an initial speed of 20 m.p.h.
(A)	Passenger vehicles with a seating capacity of ten people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
(B-1)	All motorcycles and motor-driven cycles	43.5%	14	30
(B-2)	Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
(C-1)	Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
(C-2)	Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
(C-3)	Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
(C-4)	All combinations of vehicles in driveaway-towaway operations	43.5%	14	40
(D)	All other vehicles and combinations of vehicles	43.5%	14	50

HISTORY: 1962 Code Section 46-562; 1952 Code Section 46-562; 1949 (46) 466; 1964 (53) 2127.

**SECTION 56-5-4870.** Maintenance and adjustment of brakes.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

HISTORY: 1962 Code Section 46-563; 1952 Code Section 46-563; 1949 (46) 466; 1964 (53) 2127.

**SECTION 56-5-4880.** Inspection of brakes; effect of disapproval.

(a) The Department of Public Safety is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in Section 56-5-4860, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The Department of Motor Vehicles may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the Department of Public Safety determines that the braking system thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the Department of Public Safety has disapproved the braking system upon such vehicle.

HISTORY: 1962 Code Section 46-564; 1952 Code Section 46-564; 1949 (46) 466; 1964 (53) 2127; 1993 Act No. 181, Section 1449; 1996 Act No. 459, Section 197.

**SECTION 56-5-4890.** Hydraulic brake fluid; distribution and servicing; minimum standards; labelling.

(a) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(c) No hydraulic brake fluid for use in motor vehicles shall be shipped into this State for sale in this State if such brake fluid shall be below the minimum standard of the then current specifications established by the Society of Automotive Engineers for heavy duty brake fluid.

(d) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section.

(e) Every container in which hydraulic brake fluid is sold in this State shall carry a manufacturer's or packer's label clearly stating that the fluid in the container meets or exceeds the SAE specifications for heavy duty brake fluid and giving the then current SAE identification number for the specifications which are met or exceeded.

HISTORY: 1962 Code Section 46-565; 1952 Code Section 46-565; 1949 (46) 466; 1964 (53) 2127.

**SECTION 56-5-4900.** Regulations concerning brakes inapplicable to certain farm trailers; speed limit; small tandem tobacco trailers; chains, hooks, other safety equipment required.

Sections 56-5-4850 to 56-5-4890 do not apply to trailers, not exceeding eight thousand pounds gross weight, which are pulled behind farm tractors or trucks and used in the transportation of farm products and articles to and from farms. These trailers may not exceed a speed of twenty miles an hour. However, farm trailers exceeding eight thousand pounds gross weight, excluding gooseneck-type trailers, which are not equipped with brakes must be pulled by tow vehicles whose empty vehicle weight is at least one-half of the farm trailer's gross vehicle weight. These trailers may not exceed a speed of thirty miles an hour and may only be pulled in clear weather conditions.

Two small tobacco trailers may be pulled in tandem if:

- (1) the maximum trailer length of each trailer is thirteen feet six inches;
- (2) the maximum gross weight of each trailer is three thousand pounds;
- (3) the maximum speed is twenty miles an hour;
- (4) within a twenty-mile radius of the operations center; and
- (5) operated in daylight hours only.

Notwithstanding any other provision of this section or of this chapter, all farm and tobacco trailers when towed must be secured by a pintle hook, spring-load latch, safety lock hitch pin, or equivalent mechanism and also must be equipped with and shall have in use safety chains secured by a spring-loaded latch or other mechanism to ensure positive closure under loaded, operating conditions when the trailers are used to haul farm products and articles on the roads, streets, or highways of this State.

HISTORY: 1962 Code Section 46-566; 1952 Code Section 46-566; 1949 (46) 466; 1964 (53) 2127; 1992 Act No. 479, Section 1; 1993 Act No. 164, Part II, Section 39E.

**SECTION 56-5-4910.** Bumpers; "private passenger automobile" defined.

For the purposes of Sections 56-5-4910 to 56-5-4940, the term "private passenger automobile" shall mean a four-wheeled motor vehicle designed for carrying ten persons or less, except a multipurpose passenger vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

HISTORY: 1962 Code Section 46-571; 1972 (57) 2115, 2677.

**SECTION 56-5-4920.** Bumpers; warranty as to energy absorption system and ability to sustain shock; automobiles manufactured on and after August 1, 1972.

Every private passenger automobile manufactured on and after August 1, 1972, sold and licensed in the State of South Carolina, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system and that, without compromising existing standards of passenger safety, it can be driven front directly into a standard Society of Automotive Engineers (SAE-J-850) test barrier at a speed of five miles per hour, rear directly into a standard Society of Automotive Engineers (SAE J-850) test barrier at a speed of two and one-half miles per hour without sustaining any damage to the automobile.

HISTORY: 1962 Code Section 46-572; 1972 (57) 2115.

**SECTION 56-5-4930.** Bumpers; warranty as to energy absorption system and ability to sustain shock; automobiles manufactured on and after August 1, 1974.

Every private passenger automobile manufactured on and after August 1, 1974, sold and licensed in the State of South Carolina, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system and that without compromising existing standards of passenger safety, it can be driven, both front and rear, directly into a standard Society of Automotive Engineers (SAE J-850) test barrier at a speed of five miles per hour without sustaining any damage to the automobile other than minor deformation of bumper parts.

HISTORY: 1962 Code Section 46-573; 1972 (57) 2115.

**SECTION 56-5-4940.** Bumpers; exceptions to warranty requirements; common-law and statutory remedies not removed.

The warranty provisions of Sections 56-5-4910 to 56-5-4940 shall not be applicable with respect to any private passenger automobile as to which the manufacturer files a written certification under oath with the Department of Motor Vehicles, on a form to be prescribed by that department, that the particular make and model described therein complies with the applicable standards of Sections 56-5-4910 to 56-5-4940. Nothing in Sections 56-5-4910 to 56-5-4940 should be construed to remove any common-law or statutory remedy available against the manufacturer, distributor or ultimate vendor for a defective product.

HISTORY: 1962 Code Section 46-574; 1972 (57) 2115; 1993 Act No. 181, Section 1450.

**SECTION 56-5-4950.** Horns and warning devices.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or whistle. No vehicle other than an authorized emergency vehicle shall be equipped with nor shall any person use upon any such vehicle any siren, whistle or bell.

HISTORY: 1962 Code Section 46-581; 1952 Code Section 46-581; 1949 (46) 466.

**SECTION 56-5-4960.** Use of horn.

The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.

HISTORY: 1962 Code Section 46-582; 1952 Code Section 46-582; 1949 (46) 466.

**SECTION 56-5-4970.** Sirens, whistle, or bell on authorized emergency vehicles.

Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the Department of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter event the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof.

HISTORY: 1962 Code Section 46-583; 1952 Code Section 46-583; 1949 (46) 466.

**SECTION 56-5-4975.** Operation of vehicle upfitted but no longer licensed as an ambulance; removal of exterior equipment and markings; penalties.

(A) It is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance pursuant to Article 1, Chapter 61, Title 44, unless the vehicle's exterior equipment and markings including, but not limited to, emergency lights, sirens, and decals that distinguish it as an ambulance are removed. A person who violates this subsection, except as provided in subsections (B) and (C), is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) A person who operates a vehicle in violation of subsection (A) with the intent to commit a felony, or in the commission of a felony, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) A person who operates a vehicle in violation of subsection (A) with the intent to commit a terrorist act, or in the commission of a terrorist act, is guilty of a felony and, upon conviction, must be fined ten thousand dollars and imprisoned for a mandatory minimum of ten years, no part of which may be suspended nor probation granted. For purposes of this section, "terrorist act" means activities that:

(1) involve acts dangerous to human life, which are a violation of the criminal laws of this State;

(2) appear to be intended to:

(a) intimidate or coerce a civilian population;

(b) influence the policy of a government by intimidation or coercion; or

(c) affect the conduct of a government by mass destruction, assassination, or kidnapping;

and

(3) occur primarily within the territorial jurisdiction of this State.

(D) The provisions of this section do not apply to:

(1) eleemosynary or not-for-profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions;

(2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business;

(3) a person operating a vehicle going to a location for the purpose of removing the vehicle's exterior equipment or markings; or

(4) a person operating an antique vehicle as defined by Section 56-3-2210.

HISTORY: 2009 Act No. 5, Section 1, eff May 6, 2009.

**SECTION 56-5-4980.** Theft alarm signal.

It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

HISTORY: 1962 Code Section 46-584; 1952 Code Section 46-584; 1949 (46) 466.

**SECTION 56-5-4990. Mirrors.**

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

HISTORY: 1962 Code Section 46-591; 1952 Code Section 46-591; 1949 (46) 466.

**SECTION 56-5-5000. Windows unobstructed; windshield wipers.**

No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which shall be so constructed as to be controlled or operated by the driver of the vehicle. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

HISTORY: 1962 Code Section 46-592; 1952 Code Section 46-592; 1949 (46) 466.

**SECTION 56-5-5010. Safety glass in motor vehicles.**

No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses. But in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows, and windshields in the drivers' compartments of such vehicles.

The Department of Motor Vehicles shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and the department may thereafter suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section.

HISTORY: 1962 Code Section 46-593; 1952 Code Section 46-593; 1949 (46) 466; 1993 Act No. 181, Section 1451; 1996 Act No. 459, Section 198.

**SECTION 56-5-5015. Sunscreen devices.**

(A) No person may operate a motor vehicle that is required to be registered in this State on any public highway, road, or street that has a sunscreen device on the windshield, the front side wings, and side windows adjacent to the right and left of the driver and windows to the rear of the driver that do not meet the requirements of this section. If no after-factory installed sunscreen device has been added to the window surface, the provisions of this section regarding light transmittance do not apply.

(B) A sunscreening device must be nonreflective and may not be red, yellow, or amber in color. A sunscreening device may be used only along the top of the windshield and may not extend downward beyond the AS1 line. If the AS1 line is not visible, no sunscreening device may be applied to the windshield.

(C) A single sunscreening device may be installed on the side wings or side windows, or both, located at the immediate right and left of the driver and the side windows behind the driver. The sunscreening device must be nonreflective and the combined light transmission of the sunscreening device with the factory or manufacturer installed sunscreening material must not be less than twenty-seven percent.

(D)(1) A sunscreening device to be applied to the rear-most window must be nonreflective and have a light transmission of not less than twenty percent. If a sunscreening device is used on the rear-most window, one right and one left outside rearview mirror is required.

(2) Beginning January 1, 1993, a single sunscreening device to be applied to the rear-most window must be nonreflective and the combined light transmission of the sunscreening device with the factory or manufacturer installed sunscreening material must not be less than twenty-seven percent. If a sunscreening device is used on the rear-most window, one right and one left outside rearview mirror is required.

(3) A motor vehicle with a sunscreening device which complied with the requirements of item (1) at the time of installation is not considered to be in violation of this section on January 1, 1993, so long as the original sunscreening device is in place.

(E) Each vehicle equipped with an after-factory sunscreening device, whether installed by a consumer or professional window tinter, at all times must bear a certificate of compliance. The certificate of compliance must be of a size and form prescribed by the Department of Public Safety. Each certificate of compliance must be properly attached to the vehicle on the inside and lower right hand corner of each window containing an after-factory installed sunscreening device and must contain the following information:

- (1) the percentage of light transmission allowed by the sunscreening device;
- (2) the identity of the installer by name, address, and telephone number; and
- (3) date of installation.

(F) Sunscreening devices offered for sale or use in South Carolina must include instructions with the product or material for proper installation. The manufacturer of the sunscreening device offered for sale or use in South Carolina must provide the certificate of compliance specified in subsection (E) and instructions for affixing it to the sunscreening device.

(G) No person may:

- (1) offer for sale or for use any sunscreening product or material for motor vehicle use not in compliance with this section;
- (2) install any sunscreening product or material on vehicles titled for use on public roads without permanently affixing the certificate of compliance specified in this section.

A professional window tinter who violates the provisions of subsections (E) or (G) is guilty of a misdemeanor triable in magistrate's court and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than thirty days, or both, for each offense. A consumer who violates the provisions of subsection (E) or (G) is guilty of a misdemeanor triable in magistrate's court and, upon conviction, must be fined not less than two hundred dollars or imprisoned not more than thirty days for each offense.

(H) The provisions of this section do not apply to:

- (1) a motor vehicle registered in this State in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this State that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sunscreening material which would be of a light transmittance or luminous reflectance in violation of this section. The affidavit must be in the vehicle at all times during its

operation and must be produced at the request of a law enforcement officer. The affidavit must be updated every two years; or

(2) a law enforcement vehicle used regularly to transport a canine trained for law enforcement purposes.

(I) The light transmittance requirement of this section applies to windows behind the driver on pickup trucks, but does not apply to windows behind the driver on other trucks, buses, trailers, mobile homes, multipurpose passenger vehicles, and recreational vehicles.

(J) As used in this section:

(1) "Sunscreening device" means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

(2) "Light transmission" means the ratio of the amount of total visible light to pass through a product or material to the amount of the total light falling on the product or material.

(3) "Luminous reflectant" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or materials.

(4) "Nonreflective" means a product or material primarily designed to absorb light rather than to reflect it.

(5) "Multipurpose passenger vehicle" means a vehicle with motive power designed to carry ten persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.

(6) "Motor home" means a vehicular unit designed to provide temporary living quarters built into and an integral part of or permanently attached to a self-propelled motor vehicle chassis.

(7) "Truck" means a vehicle with motive power designed primarily for the transportation of property or special purpose equipment.

(8) "Bus" means a vehicle with motive power designed for carrying more than ten persons.

(9) "Manufacturer" means a person engaged in the manufacturing or assembling of sunscreening products or materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.

(10) "Recreational vehicle" means a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes, and is used solely as a family/personal conveyance.

(11) "AS1" means a glazing material position marking as defined in 49 Code of Federal Regulations, Section 571.205, Subsection S5.1.1.

(12) "Trailer" means every vehicle without motive power designed to carry persons or property, and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(13) "Professional window tinter" means a person who installs sunscreening devices for profit.

(K) A person who owns or operates a motor vehicle in violation of the provisions of this section is guilty of a misdemeanor triable in magistrate's court and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1978 Act No. 484; 1981 Act No. 139, Section 1; 1983 Act No. 88; 1988 Act No. 532, Section 12; 1990 Act No. 411, Section 1; 1992 Act No. 462, Section 1; 1996 Act No. 459, Section 246A; 2002 Act No. 339, Section 40.

**SECTION 56-5-5020. Mufflers.**

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle upon a highway. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes and smoke.

HISTORY: 1962 Code Section 46-601; 1952 Code Section 46-601; 1949 (46) 466.

**SECTION 56-5-5030. Devices to emit smoke screen, noisome gases, or odors prohibited.**

It shall be unlawful for any person to attach to any motor vehicle any device to emit from the exhaust pipe or any other part of such vehicle any smoke screen, noisome gases or odors. It shall be unlawful for any person to drive upon any highway or to have in his possession any motor vehicle to which is attached or unattached or in which is transported any device or substantial part of a device, attached or unattached, used in whole or in part for any smoke screen or any noisome gases or odors. It shall be unlawful for any person to use or operate in this State any device attached to any motor vehicle so as to emit from such device any smoke screen, noisome gases or odors. Any person violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than six months nor more than two years or fined not less than two hundred dollars nor more than five hundred dollars, in the discretion of the court, and his driver's license shall be forthwith revoked for a period of two years.

Any motor vehicle possessed or operated by any person in violation of this section shall be forfeited to the county in which such conviction is had. But the rights of innocent owners of mortgages shall be protected. Any such motor vehicle so forfeited may be redeemed by the owner upon the payment to the county treasurer of a sum of money agreed upon by the governing body and the sheriff of such county.

HISTORY: 1962 Code Section 46-602; 1952 Code Section 46-602; 1949 (46) 466; 1960 (51) 1602; 1962 (52) 2179.

**SECTION 56-5-5040. Tires.**

Every motor vehicle, trailer or semitrailer operated upon the highways shall be equipped with tires of sufficient size and in sufficient number to distribute the wheel loads on the road surface so as to avoid damage to the highway, and all such tires shall be in a safe operating condition. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber (or other resilient material) which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety, because of snow, ice or other conditions tending to cause a vehicle to skid. It shall also be permissible to use upon any vehicle for

increased safety, regular and snow tires with studs which project beyond the tread of the traction surface of the tire not more than one sixteenth of an inch when compressed.

HISTORY: 1962 Code Section 46-611; 1952 Code Section 46-611; 1949 (46) 466; 1968 (55) 2518.

**SECTION 56-5-5050.** Toilets or other devices hazardous to health.

No motor vehicle, trailer or semitrailer shall be equipped with an open toilet or other device that may be hazardous from a health and sanitation standpoint.

HISTORY: 1962 Code Section 46-612; 1952 Code Section 46-612; 1949 (46) 466.

**SECTION 56-5-5060.** Certain vehicles must carry flares and other warning devices.

No person shall operate any motor truck, passenger bus or truck tractor upon any highway outside of the corporate limits of municipalities at any time from a half hour after sunset to half hour before sunrise unless there shall be carried in such vehicle the following equipment, except as provided in Section 56-5-5070:

(1) At least three flares or three red electric lanterns, each of which shall be capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at nighttime. Each flare (liquid-burning pot torch) shall be capable of burning for not less than twelve hours in a five-mile-per-hour wind velocity and capable of burning in any air velocity from zero to forty miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack box. Every such red electric lantern shall be capable of operating continuously for not less than twelve hours and shall be substantially constructed so as to withstand reasonable shock without breakage.

(2) At least three red-burning fusees unless red electric lanterns are carried. Every fusee shall be made in accordance with specifications of the Bureau of Explosives, New York, and so marked and shall be capable of burning at least fifteen minutes.

(3) At least two red cloth flags, not less than twelve inches square, with standards to support them.

HISTORY: 1962 Code Section 46-621; 1952 Code Section 46-621; 1949 (46) 466.

**SECTION 56-5-5070.** Red electric lanterns shall be carried in vehicles transporting inflammable liquids or gases.

No person shall operate at the time and under the conditions stated in Section 56-5-5060 any motor vehicle used in the transportation of inflammable liquids in bulk or transporting compressed inflammable gases unless there shall be carried in such vehicle three red electric lanterns meeting the requirements stated in Section 56-5-5060, and there shall not be carried in any such vehicle any flare, fusee or signal produced by a flame.

HISTORY: 1962 Code Section 46-622; 1952 Code Section 46-622; 1949 (46) 466.

**SECTION 56-5-5080.** Alternative warning device; portable reflector units.

As an alternative it shall be deemed a compliance with Sections 56-5-5060 and 56-5-5070 in the event the person operating any motor vehicle described therein shall carry in such vehicle three portable reflector units on standards of a type approved by the Department of Public Safety. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within five hundred to fifty feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.

HISTORY: 1962 Code Section 46-623; 1952 Code Section 46-623; 1949 (46) 466.

**SECTION 56-5-5090.** Display of warning devices when vehicle disabled.

Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway, except as provided in Section 56-5-5100:

(1) A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed; and

(2) Within the burning period of the fusee and as promptly as possible three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows: One at a distance of approximately one hundred feet in advance of the vehicle, one at a distance of approximately one hundred feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately ten feet rearward or forward thereof.

HISTORY: 1962 Code Section 46-624; 1952 Code Section 46-624; 1949 (46) 466.

**SECTION 56-5-5100.** Display of warning devices when disabled vehicle is carrying inflammable liquids or gases.

Whenever any vehicle used in the transportation of inflammable liquids in bulk or transporting compressed inflammable gases is disabled upon a highway at any time or place mentioned in Section 56-5-5090, the driver of such vehicle shall display upon the roadway the following lighted warning devices: One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle and two other red electric lanterns shall be placed in the front and rear of the vehicle in the same manner as prescribed in Section 56-5-5090 for flares.

When a vehicle of a type specified in this section is involved, the use of flares, fusees or any signal produced by flame as warning signals is prohibited.

HISTORY: 1962 Code Section 46-625; 1952 Code Section 46-625; 1949 (46) 466.

**SECTION 56-5-5110.** Display of flags when vehicle disabled in daytime.

Whenever any vehicle of a type referred to in Sections 56-5-5090 and 56-5-5100 is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality, at any time when the display of fusees, flares or electric lanterns is not required, the driver of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the

disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

HISTORY: 1962 Code Section 46-626; 1952 Code Section 46-626; 1949 (46) 466.

**SECTION 56-5-5120.** Alternative warning devices.

In the alternative it shall be deemed a compliance with Sections 56-5-5090, 56-5-5100 or 56-5-5110 in the event three portable reflector units on standards of a type approved by the Department of Public Safety are displayed at the times and under the conditions specified in said sections, either during the daytime or at nighttime, and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.

HISTORY: 1962 Code Section 46-627; 1952 Code Section 46-627; 1949 (46) 466.

**SECTION 56-5-5130.** Requirements as to flares, fusees, and other warning devices.

The flares, fusees, lanterns and flags to be displayed as required in Sections 56-5-5090 to 56-5-5110 shall conform with the requirements of Section 56-5-5060 applicable thereto.

HISTORY: 1962 Code Section 46-628; 1952 Code Section 46-628; 1949 (46) 466.

**SECTION 56-5-5140.** Vehicles transporting explosives.

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. Such vehicle shall be marked or placarded on each side and the rear with the word "Explosive" in letters not less than eight inches high or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high. Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use and placed at a convenient point on the vehicle so used.

The Department of Public Safety shall promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as it shall deem advisable for the protection of the public.

HISTORY: 1962 Code Section 46-629; 1952 Code Section 46-629; 1949 (46) 466.

**SECTION 56-5-5150.** Use of safety devices when towing vehicles.

When a vehicle is towing another vehicle on a public road or highway, the towing vehicle must be attached to the towed vehicle by a safety chain, cable, or equivalent device in addition to the regular drawbar, tongue, trailer hitch, or other connection. The safety connections or attachments must be of sufficient strength to maintain connection of the towed vehicle to the pulling vehicle under all conditions while the towed vehicle is being pulled by the towing vehicle. The provisions of this section do not apply to vehicles using a hitch known as a fifth wheel and kingpin assembly.

HISTORY: 1984 Act No. 455.

ARTICLE 37  
Condition of Vehicles

**SECTION 56-5-5310.** Condition of vehicle and vehicle equipment.

No person shall drive or move on any highway any vehicle unless the equipment thereon is in good working order and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

HISTORY: 1962 Code Section 46-641; 1952 Code Section 46-641; 1949 (46) 466; 1965 (54) 649.

ARTICLE 39  
Disposition of Abandoned Motor Vehicles on Highways

**SECTION 56-5-5620.** Duty of sheriffs and police officers to remove vehicles; storage; personnel, equipment, and facilities for removing and storing.

(a) It shall be the duty of every police officer having knowledge of an abandoned motor vehicle to seize it and have it removed for safekeeping to such place as may be designated by the sheriff of the county, or the chief of police of the municipality, in which it was found, who shall be charged with its custody and disposition as provided in this article.

(b) A sheriff or chief of police may employ his own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving and storing abandoned motor vehicles.

HISTORY: 1962 Code Section 46-490.12; 1972 (57) 2459; 1974 (58) 2103.

**SECTION 56-5-5630.** Notice to owners and lienholders; payment for release of vehicle; liability of lienholders; stolen vehicles.

(A)(1) For purposes of this article, “ vehicle” means a motor vehicle, trailer, mobile home, watercraft, or any other item or object that is subject to towing and storage, and applies to any vehicle in custody at the time of the enactment of this section. “Vehicle” includes:

(a) items that are towed and left in the possession of a towing, storage, garage, or repair facility;

(b) contents contained in the vehicle; and

(c) personal property affixed to the vehicle.

Storage costs for those vehicles in custody at the time of the enactment of this section must not exceed sixty days.

(2) When an abandoned vehicle has been taken into custody, the towing company and storage facility having towed and received the vehicle shall notify by registered or certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record that the vehicle has been taken into custody. Notification of the owner and all lienholders by certified or registered mail, return receipt requested, constitutes notification for purposes of this section. This notification must satisfy the notification requirements contained in Section 29-15-10. The notice must:

(a) give a description of the year, make, model, and identification number of the vehicle;

(b) set forth the location where the vehicle is being held;

(c) inform the owner and all lienholders of the right to reclaim the vehicle within thirty days beginning the day after the notice is mailed, return receipt requested, upon payment of all towing, preservation, storage charges, notification, publication, and court costs resulting from placing the vehicle in custody; and

(d) state that the failure of the owner and all lienholders to exercise their right to reclaim the vehicle within the time provided is considered a waiver by the owner and lienholders of all rights, title, and interest in the vehicle and is considered as their consent to the sale of the vehicle at a public auction.

If a vehicle has been towed pursuant to the provisions of this section, the towing company and storage facility must accept as payment for the release of the vehicle the same manner of payment that they would accept if the owner of the vehicle had requested his vehicle towed.

(B) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles. This notice must be within the time requirements prescribed for notice by registered or certified mail and must have the same contents required for a notice by registered or certified mail.

(C) A lienholder is not subject to a criminal penalty imposed by law in this State for abandonment unless the vehicle is abandoned by the lienholder or his agent or if a false statement or report to a law enforcement officer is made as provided by Section 16-17-722. The owner of a vehicle which has been stolen, whether or not the vehicle was subsequently abandoned, is liable for:

- (1) actual recovery and towing charges; and
- (2) storage costs that accrue beginning seven days after the vehicle was towed.

The law enforcement agency must, within two days after the vehicle's towing, notify the owner that the vehicle has been recovered, provide the owner with the location of the vehicle, and explain that daily storage charges will begin to accrue if the vehicle is not reclaimed within seven days of the towing date.

A vehicle is considered to be stolen when the registered owner notifies a police officer and files a report which is accepted and placed on the records of the sheriff or chief of police as a stolen vehicle. The law enforcement agency that requested the tow must provide the towing company and storage facility, at no cost to the towing company and storage facility, the owner's name and address. A law enforcement agency is not liable for any costs or fees associated with the towing and storage of a vehicle as provided by this section.

(D) The court may order restitution from a person convicted of stealing a vehicle to cover the costs associated with the recovery, towing, and storage of the vehicle.

HISTORY: 1962 Code Section 46-490.13; 1972 (57) 2459; 1989 Act No. 159, Section 1; 2002 Act No. 195, Section 5; 2003 Act No. 71, Section 4; 2004 Act No. 269, Section 3.

**SECTION 56-5-5635.** Law enforcement towing and storage procedures; notification of registered owner; disposition of vehicle and personal property.

(A) Notwithstanding another provision of law, a law enforcement officer who directs that a vehicle be towed for any reason, whether on public or private property, must use the established towing procedure for his jurisdiction. A request by a law enforcement officer resulting from a law enforcement action including, but not limited to, a vehicle collision, vehicle breakdown, or vehicle recovery incident to an arrest, is considered a law enforcement towing for purposes of recovering costs associated with the towing and storage of the vehicle unless the request for towing is made by a law enforcement officer at the direct request of the owner or operator of the vehicle.

(B) Within ten days following a law enforcement's towing request, the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop must provide to the sheriff or chief of police a list describing the vehicles remaining in the possession of the proprietor, owner, or operator of any towing company, storage facility, garage, or repair shop. A person who fails to provide the law enforcement agency with this list forfeits recovery of any storage fees that have accrued from the date of towing until the day after the mailing of the notification to the owner and all lienholders by certified or registered mail, return receipt requested, pursuant to Section 29-15-10. Within ten days of receipt of this list, the sheriff or chief of police must provide to the towing company or storage facility, the current owner's name, address, and a record of all lienholders along with the make, model, and identification number or a description of the vehicle at no cost to the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop having towed or received the vehicle must notify by registered or certified mail, return receipt requested, the last known registered owner and all lienholders of record that the vehicle has been taken into custody.

(C) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must provide notice by one publication in one newspaper of general circulation in the area from which the vehicle was abandoned which is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles.

(D) Before a vehicle is sold, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must apply to the appropriate titling facility including, but not limited to, the Department of Motor Vehicles or the Department of Natural Resources for the name and address of any owner or lienholder. For nontitled vehicles, where the owner's name is known, a search must be conducted through the Secretary of State's Office to determine any lienholders. The application must be on prescribed forms as required by the appropriate titling facility or the Secretary of State. If the vehicle has an out-of-state registration, an application must be made to that state's appropriate titling facility. When the vehicle is not titled in this State and does not have a registration from another state, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may apply to the sheriff or chief of police in the jurisdiction where the vehicle is stored to determine the state where the vehicle is registered. The sheriff or chief of police shall conduct a records search. This search must include, but is not limited to, a search on the National Crime Information Center and any other appropriate search that may be conducted with the vehicle's identification number. The sheriff or chief of police must supply, at no cost to the proprietor, owner, or operator of the towing

company, storage facility, garage, or repair shop, the name of the state in which the vehicle is titled.

(E) The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop that has towed and stored a vehicle has a lien against the vehicle and may have the vehicle sold at public auction pursuant to Section 29-15-10. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may hold the license tag of any vehicle until all towing and storage costs have been paid, or if the vehicle is not reclaimed, until it is declared abandoned and sold. Storage costs may be charged that have accrued before the notification of the owner and lienholder, by certified or registered mail, of the location of the vehicle. Notification to the owner and lienholder by the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must occur within five days, after receiving the owner's and lienholders' identities from the appropriate law enforcement agency. If the notice is not mailed within this period, storage costs after the five-day period must not be charged until the notice is mailed. If the vehicle is not reclaimed within thirty days after the day the notice is mailed, return receipt requested, the vehicle is considered abandoned and may be sold by the magistrate pursuant to the procedures set forth in Section 29-15-10.

(F) After the vehicle is in the possession of the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop, the owner of the vehicle as demonstrated by providing a certificate of registration has one opportunity to remove from the vehicle any personal property not attached to the vehicle. The proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop must release any personal property that does not belong to the owner of the vehicle to the owner of the personal property.

(G) When a law enforcement agency stores a vehicle at a law enforcement facility, the agency must follow the notification procedures contained in this section and submit vehicle information to a magistrate in the county where the vehicle is stored to provide for the sale of the vehicle at public auction. A law enforcement agency is exempt from paying filing fees in any matter related to the towing and storing of a vehicle.

HISTORY: 2003 Act No. 71, Section 1; 2004 Act No. 269, Section 4.

**SECTION 56-5-5640.** Sale of unclaimed vehicles; disposition of proceeds.

If an abandoned vehicle has not been reclaimed pursuant to Section 56-5-5630, the proprietor, owner, or operator of the towing company, storage facility, garage, or repair shop may have the abandoned vehicle sold at a public auction pursuant to Section 29-15-10. The vehicle's purchaser shall take title to the vehicle free and clear of all liens and claims of ownership, shall receive a magistrate's order of sale, and is entitled to register the purchased vehicle and receive a certificate of title. The Office of Court Administration shall design a uniform magistrate's order of sale for purposes of this section, Section 56-5-5670, and Section 56-5-5945, and shall make the order available for distribution to the magistrates. The magistrate's order of sale given at the sale must be sufficient title for purposes of transferring the vehicle to a demolisher or secondary metals recycler for demolition, wrecking, or dismantling, and in such case no further titling of the vehicle is necessary. The expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to Section 29-15-10 must be reimbursed up to the amount of the auction sale price from the vehicle's sale proceeds. The remaining sale proceeds must be held for the vehicle's owner or entitled lienholder for ninety days. The magistrate shall notify the vehicle's

owner and all lienholders by certified or registered mail, return receipt requested, that the vehicle's owner or lienholder has ninety days to claim the proceeds from the vehicle's sale. If the vehicle's proceeds are not collected within ninety days from the day after the notice to the vehicle's owner and all lienholders is mailed, then the vehicle's proceeds must be deposited in the county or municipality's general fund.

HISTORY: 1962 Code Section 46-490.14; 1972 (57) 2459; 2002 Act No. 195, Section 1; 2003 Act No. 71, Section 5; 2004 Act No. 269, Section 5; 2012 Act No. 242, Section 6, eff December 15, 2012.

**SECTION 56-5-5650.** Claims of and awards to persons damaged by sale of vehicle.

For a period not in excess of two years after the payment of any sum into the general fund of any county or municipality on account of the sale of any abandoned motor vehicle, governing bodies of the respective counties or municipalities shall hear and determine claims of any persons claiming to be damaged by the sale of any such vehicle and shall make awards to owners or lienholders as their interests may appear, but in no event shall the awards be in excess of the net amount received by the county or municipality from the sale of the vehicle. The decision of the county or municipal governing body in connection with any such claim shall be final.

HISTORY: 1962 Code Section 46-490.15; 1972 (57) 2459.

**SECTION 56-5-5670.** Duties of demolishers; disposal of vehicle to demolisher or secondary metals recycler; records; penalties.

(A) For purposes of this section, "vehicle" has the same meaning as defined by Section 56-5-120 and includes, but is not limited to, a "trailer", as defined by Section 56-5-240, a "semitrailer", as defined by Section 56-5-250, and a "pole trailer", as defined by Section 56-5-260.

(B)(1) Except as provided by subsections (C), (D), and (E), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity's name. The person or entity shall provide the vehicle's title certificate to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler's own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the certificate of title to the Department of Motor Vehicles for cancellation.

(3) The Department of Motor Vehicles shall issue forms and regulations governing the surrender of certificates of title as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a title certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(C)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid magistrate's order of sale in lieu of a title certificate, if the person or entity

purchases the vehicle at a public auction pursuant to Section 56-5-5640. The person or entity shall provide the magistrate's order of sale to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler's own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the magistrate's order of sale to the Department of Motor Vehicles.

(3) The Office of Court Administration shall design a uniform magistrate's order of sale for purposes of this subsection and Section 56-5-5640, and shall make the order available for distribution to the magistrates. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of magistrates' orders of sale as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a magistrate's order of sale pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(D)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid sheriff's disposal authority certificate in lieu of a title certificate, if the vehicle is abandoned upon the person or entity's property or into the person or entity's possession and the vehicle does not meet the requirements of subsection (E)(1). The person or entity shall provide the sheriff's disposal authority certificate to the demolisher or secondary metals recycler.

(2) The person or entity shall apply to the sheriff of the jurisdiction in which the vehicle is located for a disposal authority certificate to dispose of the vehicle to a demolisher or secondary metals recycler. The application must provide, at a minimum, the person or entity's name and address, the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment. The person or entity shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. If the sheriff determines that the application is executed in proper form, and the application demonstrates that the vehicle has been abandoned upon the person or entity's property or into the person or entity's possession, the notification procedures set forth in Section 56-5-5630 must be followed. If the vehicle is not reclaimed pursuant to Section 56-5-5630, the sheriff shall give the applicant a certificate of authority to dispose of the vehicle to a demolisher or secondary metals recycler. A disposal authority certificate may contain multiple listings.

(3) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler's own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the sheriff's disposal authority certificate to the Department of Motor Vehicles.

(4) The South Carolina Law Enforcement Division shall design a uniform sheriff's disposal authority certificate for purposes of this subsection and shall make the certificate available for distribution to the sheriffs. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of sheriffs' disposal authority certificates as appropriate.

(5) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a sheriff's disposal authority certificate pursuant to this subsection may wreck,

dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(E)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler without a title certificate, magistrate's order of sale, or sheriff's disposal authority certificate, if:

(a) the vehicle is abandoned upon the person or entity's property or into the person or entity's possession, or if the person or entity is the owner of the vehicle and the vehicle's title certificate is faulty, lost, or destroyed; and

(b) the vehicle:

(i) is lawfully in the person or entity's possession;

(ii) is twelve model years old or older;

(iii) does not have a valid registration plate affixed; and

(iv) has no engine or is otherwise totally inoperable.

(2) The person or entity shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (E)(1). The demolisher or secondary metals recycler shall maintain the original form affidavit in the transaction records as required by this section.

(3) The Department of Motor Vehicles shall develop a form affidavit for purposes of this subsection and shall make the form affidavit available for distribution to the demolishers and secondary metals recyclers.

(4) Prior to completion of the transaction, the demolisher or secondary metals recycler shall verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. The Department of Motor Vehicles shall develop an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen. The Department of Motor Vehicles shall not charge a demolisher or secondary metals recycler a fee for verifying whether a vehicle has been reported stolen. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has been reported stolen, the demolisher or secondary metals recycler shall not complete the transaction and shall notify the appropriate law enforcement agency. The demolisher or secondary metals recycler is under no obligation to apprehend the person attempting to sell the vehicle. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has not been reported stolen, the demolisher or secondary metals recycler may proceed with the transaction. In such case, the demolisher or secondary metals recycler is not criminally or civilly liable if the vehicle later turns out to be a stolen vehicle, unless the demolisher or secondary metals recycler had some other knowledge that the vehicle was a stolen vehicle.

(5) The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations at the time of the transaction or no later than the end of the day of the transaction. A demolisher or secondary metals recycler who reports vehicles to the National Motor Vehicle Title Information System through a third party consolidator and complies with the requirements of this item if the demolisher or secondary metals recycler reports the vehicle to the third party consolidator so that the third party consolidator is able to transmit the vehicle information to the National Motor Vehicle Title Information System in compliance with federal laws and regulations no later than the end of the day of the transaction.

(6) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a form affidavit pursuant to this subsection shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place.

(F) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals, as defined by Section 16-17-680, shall comply with and is subject to the provisions of Section 16-17-680.

(G)(1) A demolisher or secondary metals recycler shall keep an accurate and complete record of all vehicles purchased or received by the demolisher or secondary metals recycler in the course of business. A demolisher, but not a secondary metals recycler, also shall keep an accurate and complete record of all vehicle parts with a total weight of twenty-five pounds or more purchased or received by the demolisher in the course of business. These records must contain, at a minimum:

(a) the demolisher or secondary metals recycler's name and address;

(b) the name of the demolisher or secondary metals recycler's employee entering the information;

(c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received;

(d) a photo or copy of the person's driver's license or other government issued picture identification card that legibly shows the person's name and address. If the vehicle or vehicle parts, as applicable, are being purchased or received from an entity, the demolisher or secondary metals recycler shall obtain a photo or copy of the entity's agent's driver's license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or entity's agent's identification on file, the demolisher or secondary metals recycler may reference the identification on file without making a photocopy for each transaction;

(e) the date when the purchases or receipts occurred;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, as applicable and if ascertainable, along with any other identifying features; and

(g) a copy of the title certificate, magistrate's order of sale, sheriff's disposal authority certificate, or an original form affidavit, as applicable.

(2) The records must be kept open for inspection by any law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler's property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) Records required by this section must be kept by the demolisher or secondary metals recycler for at least one year after the transaction to which it applies. A demolisher or secondary metals recycler may maintain records in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

(H)(1) A person who violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars

for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who falsifies any information on an application, form, or affidavit required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties, the Department of Motor Vehicles' director, or the director's designee, may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, or the director's designee, after a hearing, determines that a demolisher or secondary metals recycler has unknowingly and unwilfully violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the administrative fine must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of implementing this section.

(4) A vehicle used to transport a vehicle or vehicle parts, as applicable, illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.

(I) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles, or the director's designee, for the purpose of assisting in the development of a form affidavit to be used for the disposal of vehicles to demolishers or secondary metals recyclers, the development of an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen, and assisting in the development of forms and regulations pursuant to this section. The working group must consist of representatives from the demolishing industry, secondary metals recycling industry, the trucking industry, law enforcement agencies, and other relevant agencies, organizations, or industries as determined by the director, or the director's designee.

HISTORY: 1962 Code Section 46-490.17; 1972 (57) 2459; 1993 Act No. 181, Section 1461; 1996 Act No. 459, Section 199; 2004 Act No. 269, Section 7; 2009 Act No. 26, Section 7, eff June 2, 2009; 2012 Act No. 242, Section 8, eff June 18, 2012; December 15, 2012.

## ARTICLE 41

### Disposition of Abandoned or Derelict Motor Vehicles on Public or Private Property

#### **SECTION 56-5-5810. Definitions.**

For the purposes of this article and Article 39:

(a) "Officer" means any state, county, or municipal law enforcement officer, including county and municipal code enforcement and sanitation officers.

(b) "Abandoned vehicle" means a vehicle required to be registered in this State if operated on a public highway in this State that is left unattended on a highway for more than forty-eight

hours, or a vehicle that has remained on private or other public property for a period of more than seven days without the consent of the owner or person in control of the property.

(c) “Derelict vehicle” means a vehicle required to be registered in this State if operated on a public highway in this State:

(1) whose certificate of registration has expired and the registered owner no longer resides at the address listed on the last certificate of registration on record with the Department of Motor Vehicles; or

(2) whose motor or other major parts have been removed so as either to render the vehicle inoperable or the operation of which would violate Section 56-5-4410; or

(3) whose manufacturer’s serial plates, motor vehicle identification numbers, license number plates, and any other means of identification have been removed so as to nullify efforts to locate or identify the registered owner; or

(4) whose registered owner of record disclaims ownership or releases his rights thereto; or

(5) which is more than eight years old and does not bear a current registration.

(d) “Demolisher” means any person, firm, or corporation whose business is to convert a vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle such a vehicle.

(e) “Colored tag” means any type of notice affixed to an abandoned or derelict vehicle advising the owner or the person in possession that it has been declared an abandoned or derelict vehicle and will be treated as such. The tag shall be of sufficient size to be easily discernable and shall contain such information as the Department of Public Safety deems necessary to carry out the provisions of this article.

(f) “Demolisher” means any person whose business is to convert a vehicle into processed scrap or scrap metal for recycling purposes or otherwise to wreck or dismantle vehicles.

(g) “Salvage yard” means a business or a person who holds a license issued by the State required of all retailers, possesses ten or more derelict vehicles, and regularly engages in buying or selling used vehicle parts.

HISTORY: 1962 Code Section 46-490.22; 1974 (58) 2103; 1993 Act No. 181, Section 1462; 1996 Act No. 459, Section 200; 2008 Act No. 308, Section 1, eff upon approval (became law without the Governor’s signature on June 12, 2008).

**SECTION 56-5-5820.** Abandoned and derelict vehicles as hazard to health and welfare.

Abandoned and derelict vehicles constitute a hazard to the health and welfare of the people in the State in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is, therefore, in the public interest that the present accumulation of abandoned and derelict vehicles be eliminated and that the future abandonment of such vehicles be prevented.

HISTORY: 1962 Code Section 46-490.21; 1974 (58) 2103; 1996 Act No. 459, Section 201.

**SECTION 56-5-5840.** Abandoned and derelict vehicles subject to removal and disposal.

All abandoned and derelict vehicles shall be subject to removal from public or private property and disposed of in accordance with the provisions of this article.

HISTORY: 1962 Code Section 46-490.24; 1974 (58) 2103; 1996 Act No. 459, Section 202.

**SECTION 56-5-5850.** Tagging and removal of unattended vehicles; disposition.

(A) When any vehicle is left unattended on a highway or on other public or private property without the consent of the owner or person in control of the property, an officer may place a colored tag on the vehicle which is notice to the owner, the person in possession of the vehicle, or any lienholder that it may be considered to be derelict or abandoned and is subject to forfeiture to the State.

(B) The colored tag serves as the only legal notice that the vehicle will be moved to a designated place to be sold if the vehicle is not removed by the owner or person in control of the vehicle. The vehicle must be removed within the following times from the date the tag is placed on the vehicle:

- (1) forty-eight hours if it is located on a highway, or
- (2) seven days if it is located on other public or private property.

(C) A vehicle that has had at least two colored tags previously placed on it is an abandoned vehicle for purposes of this article and may be removed immediately by a law enforcement agency to a designated place to be sold.

(D) Abandoned or derelict vehicles must be disposed of pursuant to Sections 29-15-10 and 56-5-5635.

HISTORY: 1962 Code Section 46-490.25; 1974 (58) 2103; 1993 Act No. 181, Section 1464; 1996 Act No. 459, Section 203; 2004 Act No. 269, Section 8; 2009 Act No. 26, Section 8, eff June 2, 2009.

**SECTION 56-5-5870.** Contract for collection of vehicles and related services; collecting areas.

The Department of Public Safety, or any county or municipality may contract with any federal, other state, county, or municipal authority or private enterprise for tagging, collection, storage, transportation, or any other services necessary to prepare derelict or abandoned vehicles for recycling or other methods of disposal. Publicly-owned properties, when available, shall be provided as temporary collecting areas for the motor vehicles defined herein.

HISTORY: 1962 Code Section 46-490.27; 1974 (58) 2103; 1993 Act No. 181, Section 1466; 1996 Act No. 459, Section 204.

**SECTION 56-5-5880.** Right of entry on property to enforce article; criminal or civil liability arising out of enforcement.

All officers, employees, and agents of any person under contract with the Department of Public Safety, county, or municipality, are authorized to go on private property for the purposes of enforcing this article. No agent or employee of any federal, state, county, or municipal government or other political subdivision, no person or occupant of the premises from which any derelict or abandoned motor vehicle shall be removed, nor any person or firm contracting for the removal of or disposition of any such motor vehicle shall be held criminally or civilly liable in any way arising out of or caused by carrying out or enforcing any provisions of this article unless such person is guilty of willfulness, wantonness, or recklessness.

HISTORY: 1962 Code Section 46-490.28; 1974 (58) 2103; 1996 Act No. 459, Section 205.

**SECTION 56-5-5890.** Property may not be willfully damaged.

In removing the abandoned and derelict vehicles, the enforcing agency will do so without wilfully harming or damaging the property on which the vehicles are located.

HISTORY: 1962 Code Section 46-490.29; 1974 (58) 2103; 1996 Act No. 459, Section 206.

**SECTION 56-5-5900.** Lienholders and owners of stolen vehicles not subject to penalties and charges.

No lienholder shall be subject to any penalty imposed by law in this State for abandonment unless the vehicle is abandoned by the lienholder or his agent or servant. No owner of a vehicle which has been stolen and thereafter abandoned shall be liable for any charges or penalties imposed herein. A vehicle shall be deemed to be stolen when the owner notifies a law enforcement officer of this or another state, and such report is accepted and carried on the records of the agency receiving the report as a stolen vehicle.

HISTORY: 1962 Code Section 46-490.30; 1974 (58) 2103; 1996 Act No. 459, Section 207.

**SECTION 56-5-5910.** Unlawful to tamper with, remove or destroy colored tags.

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed on any vehicle in compliance with this article and any person found guilty of this provision shall, upon conviction, be subject to a fine not exceeding five hundred dollars.

HISTORY: 1962 Code Section 46-490.31; 1974 (58) 2103; 1996 Act No. 459, Section 208.

**SECTION 56-5-5920.** Article not applicable to certain vehicles.

The provisions of this article shall not apply to vehicles housed or protected from the elements, those classified as antiques and registered pursuant to Sections 56-3-2210 and 56-3-2220, those exempted from registration pursuant to Section 56-3-120, those vehicles reported as stolen in accordance with Section 56-5-5900, unless any such vehicle presents an immediate safety or health hazard or constitutes a nuisance.

HISTORY: 1962 Code Section 46-490.32; 1974 (58) 2103; 1996 Act No. 459, Section 209.

**SECTION 56-5-5940.** Seizure, sale or disposal of vehicle in violation of article constitutes conversion.

(a) Seizure, sale, or disposal of an abandoned or derelict motor vehicle in a manner inconsistent with the provisions of this article shall constitute conversion for which the owner shall have redress in any court of competent jurisdiction.

(b) Any person or unit of government upon whose property or in whose possession is found an abandoned or derelict vehicle may apply to the sheriff or chief of police of the jurisdiction in which the vehicle is located to implement the procedures outlined in this article, and the sheriff or chief of police shall tag the vehicle and dispose of the vehicle pursuant to this chapter.

HISTORY: 1962 Code Section 46-490.34; 1974 (58) 2103; 1996 Act No. 459, Section 210.

**SECTION 56-5-5945.** Duties of demolishers; disposal of vehicle; title requirements; records; penalties.

(A) For purposes of this section, “vehicle” has the same meaning as defined by Section 56-5-120, and includes, but is not limited to, a “trailer”, as defined by Section 56-5-240, a “semitrailer”, as defined by Section 56-5-250, and a “pole trailer”, as defined by Section 56-5-260.

(B)(1) Except as provided by subsections (C), (D), and (E), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity’s name. The person or entity shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the certificate of title to the Department of Motor Vehicles for cancellation.

(3) The Department of Motor Vehicles shall issue forms and regulations governing the surrender of certificates of title as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a title certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(C)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid magistrate’s order of sale in lieu of a title certificate, if the person or entity purchases the vehicle at a public auction pursuant to Section 56-5-5640. The person or entity shall provide the magistrate’s order of sale to the demolisher or secondary metals recycler.

(2) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the magistrate’s order of sale to the Department of Motor Vehicles.

(3) The Office of Court Administration shall design a uniform magistrate’s order of sale for purposes of this subsection and Section 56-5-5640, and shall make the order available for distribution to the magistrates. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of magistrates’ orders of sale as appropriate.

(4) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a magistrate’s order of sale pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(D)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler with a valid sheriff’s disposal authority certificate in lieu of a title certificate, if the vehicle is abandoned upon the person or entity’s property or into the person or entity’s possession and the vehicle does not meet the requirements of subsection (E)(1). The person or entity shall provide the sheriff’s disposal authority certificate to the demolisher or secondary metals recycler.

(2) The person or entity shall apply to the sheriff of the jurisdiction in which the vehicle is located for a disposal authority certificate to dispose of the vehicle to a demolisher or secondary

metals recycler. The application must provide, at a minimum, the person or entity's name and address, the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features, and must contain a concise statement of the facts surrounding the abandonment. The person or entity shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. If the sheriff determines that the application is executed in proper form, and the application demonstrates that the vehicle has been abandoned upon the person or entity's property or into the person or entity's possession, the notification procedures set forth in Section 56-5-5630 must be followed. If the vehicle is not reclaimed pursuant to Section 56-5-5630, the sheriff shall give the applicant a certificate of authority to dispose of the vehicle to a demolisher or secondary metals recycler. A disposal authority certificate may contain multiple listings.

(3) The demolisher or secondary metals recycler is not required to obtain a certificate of title for the vehicle in the demolisher or secondary metals recycler's own name. After the vehicle has been demolished, processed, or changed so that the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender the sheriff's disposal authority certificate to the Department of Motor Vehicles.

(4) The South Carolina Law Enforcement Division shall design a uniform sheriff's disposal authority certificate for purposes of this subsection and shall make the certificate available for distribution to the sheriffs. The Department of Motor Vehicles shall issue forms and regulations governing the surrender of sheriffs' disposal authority certificates as appropriate.

(5) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a sheriff's disposal authority certificate pursuant to this subsection may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations.

(E)(1) A person or entity may dispose of a vehicle to a demolisher or secondary metals recycler without a title certificate, magistrate's order of sale, or sheriff's disposal authority certificate, if:

(a) the vehicle is abandoned upon the person or entity's property or into the person or entity's possession, or if the person or entity is the owner of the vehicle and the vehicle's title certificate is faulty, lost, or destroyed; and

(b) the vehicle:

(i) is lawfully in the person or entity's possession;

(ii) is twelve model years old or older;

(iii) does not have a valid registration plate affixed; and

(iv) has no engine or is otherwise totally inoperable.

(2) The person or entity shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (E)(1). The demolisher or secondary metals recycler shall maintain the original form affidavit in the transaction records as required by this section.

(3) The Department of Motor Vehicles shall develop a form affidavit for purposes of this subsection and shall make the form affidavit available for distribution to the demolishers and secondary metals recyclers.

(4) Prior to completion of the transaction, the demolisher or secondary metals recycler shall verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. The Department of Motor Vehicles shall develop an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported

stolen. The Department of Motor Vehicles shall not charge a demolisher or secondary metals recycler a fee for verifying whether a vehicle has been reported stolen. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has been reported stolen, the demolisher or secondary metals recycler shall not complete the transaction and shall notify the appropriate law enforcement agency. The demolisher or secondary metals recycler is under no obligation to apprehend the person attempting to sell the vehicle. If the Department of Motor Vehicles indicates to the demolisher or secondary metals recycler that the vehicle has not been reported stolen, the demolisher or secondary metals recycler may proceed with the transaction. In such case, the demolisher or secondary metals recycler is not criminally or civilly liable if the vehicle later turns out to be a stolen vehicle, unless the demolisher or secondary metals recycler had some other knowledge that the vehicle was a stolen vehicle.

(5) The demolisher or secondary metals recycler shall report the vehicle to the National Motor Vehicle Title Information System in compliance with federal laws and regulations at the time of the transaction or no later than the end of the day of the transaction. A demolisher or secondary metals recycler who reports vehicles to the National Motor Vehicle Title Information System through a third party consolidator and complies with the requirements of this item if the demolisher or secondary metals recycler reports the vehicle to the third party consolidator so that the third party consolidator is able to transmit the vehicle information to the National Motor Vehicle Title Information System in compliance with federal laws and regulations no later than the end of the day of the transaction.

(6) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle with a form affidavit pursuant to this subsection shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place.

(F) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals, as defined by Section 16-17-680, shall comply with and is subject to the provisions of Section 16-17-680.

(G)(1) A demolisher or secondary metals recycler shall keep an accurate and complete record of all vehicles purchased or received by the demolisher or secondary metals recycler in the course of business. A demolisher, but not a secondary metals recycler, also shall keep an accurate and complete record of all vehicle parts with a total weight of twenty-five pounds or more purchased or received by the demolisher in the course of business. These records must contain, at a minimum:

- (a) the demolisher or secondary metals recycler's name and address;
- (b) the name of the demolisher or secondary metals recycler's employee entering the information;
- (c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received;
- (d) a photo or copy of the person's driver's license or other government issued picture identification card that legibly shows the person's name and address. If the vehicle or vehicle parts, as applicable, are being purchased or received from an entity, the demolisher or secondary metals recycler shall obtain a photo or copy of the entity's agent's driver's license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or entity's agent's identification on file, the demolisher or

secondary metals recycler may reference the identification on file without making a photocopy for each transaction;

(e) the date when the purchases or receipts occurred;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, as applicable and if ascertainable, along with any other identifying features; and

(g) a copy of the title certificate, magistrate's order of sale, sheriff's disposal authority certificate, or an original form affidavit, as applicable.

(2) The records must be kept open for inspection by any law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler's property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) Records required by this section must be kept by the demolisher or secondary metals recycler for at least one year after the transaction to which it applies. A demolisher or secondary metals recycler may maintain records in an electronic database provided that the information is legible and can be accessed by law enforcement upon request.

(H)(1) A person who violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who falsifies any information on an application, form, or affidavit required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties, the Department of Motor Vehicles' director, or the director's designee, may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, or the director's designee, after a hearing, determines that a demolisher or secondary metals recycler has unknowingly and unwilfully violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the administrative fine must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of implementing this section.

(4) A vehicle used to transport a vehicle or vehicle parts, as applicable, illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.

(I) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles, or the director's designee, for the purpose of assisting in

the development of a form affidavit to be used for the disposal of vehicles to demolishers or secondary metals recyclers, the development of an electronic system for demolishers and secondary metals recyclers to use to verify at the time of a transaction whether a vehicle has been reported stolen, and assisting in the development of forms and regulations pursuant to this section. The working group must consist of representatives from the demolishing industry, secondary metals recycling industry, trucking industry, law enforcement agencies, and other relevant agencies, organizations, or industries as determined by the director, or the director's designee.

HISTORY: 1996 Act No. 459, Section 211; 2009 Act No. 26, Section 9, eff June 2, 2009; 2012 Act No. 242, Section 9, eff June 18, 2012; December 15, 2012.

**SECTION 56-5-5950.** Penalties for abandoning vehicle.

A person who abandons a vehicle either on public or private property shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars, and shall pay all costs of having such abandoned vehicle removed, stored, and sold as provided for in Section 56-5-5850. All such vehicles shall be removed and disposed of in accordance with Section 56-5-5850.

HISTORY: 1962 Code Section 46-490.35; 1974 (58) 2103; 1996 Act No. 459, Section 212.

ARTICLE 43

Enforcement; Traffic Violations Procedure

**SECTION 56-5-6110.** Parties to a crime.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this chapter is likewise guilty of such offense.

HISTORY: 1962 Code Section 46-682; 1952 Code Section 46-682; 1949 (46) 466.

**SECTION 56-5-6120.** Offenses by persons owning or controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

HISTORY: 1962 Code Section 46-683; 1952 Code Section 46-683; 1949 (46) 466.

**SECTION 56-5-6130.** Parents and guardians shall not permit children and wards to violate chapter.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

HISTORY: 1962 Code Section 46-684; 1952 Code Section 46-684; 1949 (46) 466.

**SECTION 56-5-6150.** Trial jurisdiction of municipal courts.

All municipal courts of the State may try and determine criminal cases involving violations of this chapter occurring within the respective limits of such municipalities when the penalty prescribed by this chapter for such violations does not exceed thirty days' imprisonment nor one hundred dollars' fine and may have trial jurisdiction over such criminal cases the same as magistrates.

HISTORY: 1962 Code Section 46-685; 1952 Code Section 46-685; 1949 (46) 466.

**SECTION 56-5-6160.** Evidence of conviction inadmissible in civil action.

No evidence of conviction of any person for any violation of this chapter shall be admissible in any court in any civil action.

HISTORY: 1962 Code Section 46-686; 1952 Code Section 46-686; 1949 (46) 466.

**SECTION 56-5-6170.** Enforcement.

The Department of Public Safety shall administer and enforce the provisions of this chapter with respect to State highways, and law enforcement officers generally shall also enforce this chapter within their respective jurisdictions. No police officer in investigating a traffic accident shall necessarily deem the fact that an accident has occurred as giving rise to the presumption that a violation of a law has occurred. Arrests and criminal prosecution for violation of this chapter shall be based upon evidence of a violation of the law.

HISTORY: 1962 Code Section 46-687; 1952 Code Section 46-687; 1949 (46) 466.

**SECTION 56-5-6190.** General penalty for violations of chapter.

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony.

Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-689; 1952 Code Section 46-689; 1949 (46) 466.

**SECTION 56-5-6200.** Disposition of fines and forfeitures.

All fines collected as penalties for violation of this chapter and bond or bail forfeitures shall be paid over by the magistrate or person collecting them to the county treasurer of the county in which such fines and bond or bail forfeitures are collected, except that when such fines or bond or bail forfeitures are collected by municipal police officers and municipal courts the amounts so collected shall be paid over to the city treasurer of the municipality.

HISTORY: 1962 Code Section 46-690; 1952 Code Section 46-690; 1950 (46) 2313.

**SECTION 56-5-6210.** Officers shall receive no part of fines or forfeitures.

No municipal police officer, rural policeman, magistrate's constable, sheriff, deputy sheriff, highway patrolman or other police officer shall receive as compensation any portion of any fine imposed or bond or bail forfeiture for violations of the highway traffic laws of the State.

HISTORY: 1962 Code Section 46-691; 1952 Code Section 46-691; 1950 (46) 2313.

**SECTION 56-5-6220.** Entry of guilty plea, forfeiture of bail posted, or entry of plea of nolo contendere to have same effect as conviction after trial.

Notwithstanding any other provision of law, the entry of any plea of guilty, the forfeiture of any bail posted or the entry of plea of nolo contendere for a violation of the traffic laws of this State or any political subdivision thereof shall have the same effect as a conviction after trial under the provisions of such traffic laws. Provided, however, that in any such case where bail is posted by the defendant, no forfeiture of such bail shall become effective until ten days following the date of arrest nor shall the defendant be required to plead prior to the elapse of such ten-day period. Provided, further that the provisions of this section shall not be construed to prohibit a defendant from voluntarily entering a plea or forfeiting bail within the ten-day period.

HISTORY: 1976 Act No. 482.

**SECTION 56-5-6230.** Notification of Department of Motor Vehicles upon payment of fine or forfeiture of bond.

Any magistrate's court, municipal court, or other court of competent jurisdiction must notify the Department of Motor Vehicles when any person charged with a traffic violation in such court, upon conviction, or other plea has paid the fine therefor, or forfeited the bond previously posted.

HISTORY: 1984 Act No. 478, Section 2; 1996 Act No. 459, Section 213.

**SECTION 56-5-6240.** Forfeiture, confiscation, and disposition of vehicles seized for conviction of DUS or DUI; notice to registered owner; request for hearing; return of vehicle.

(A) In addition to the penalties for a person convicted of a fourth or subsequent violation within the last five years of operating a motor vehicle while his license is canceled, suspended, or revoked (DUS), or a third or subsequent violation within the last ten years of operating a motor vehicle while under the influence of intoxicating liquor or drugs (DUI), the person must have the motor vehicle he drove during this offense forfeited as provided in subsections (B) and (C) if the person is the registered owner or a resident of the household of the registered owner. The vehicle must be confiscated by the arresting officer or other law enforcement officer of that agency at the time of arrest. The officer shall deliver it immediately to the sheriff, chief of police, or the authorized agent of the sheriff or chief of police, in the jurisdiction where the motor vehicle was confiscated. The sheriff, chief of police, or the authorized agent of the sheriff or chief of police shall by certified mail notify the registered owner of the confiscation within seventy-two hours. Upon notification of the confiscation, the registered owner has ten days to request a hearing before the presiding judge of the judicial circuit or his designated hearing officer. The hearing must be held within ten days from the date of receipt of the request. The purpose of the hearing is to determine if there is a preponderance of the evidence that (1) the use of the vehicle on the occasion of the arrest was not expressly or impliedly authorized, or (2) the registered owner did

not know that the driver did not possess a valid license. If the requisite showing is made, the vehicle must be returned to the registered owner. The vehicle confiscated pursuant to this section may be returned to the registered owner upon petition to the court by the law enforcement agency confiscating the vehicle if the criminal charge has not been disposed of within twelve months of the date of confiscation. If the registered owner of the vehicle does not remove the vehicle from law enforcement's possession within ten days of service of the court order allowing the return, law enforcement may dispose of the vehicle as provided in subsection (C). The sheriff or chief of police in possession of the vehicle must provide notice by certified mail of the confiscation to all lienholders of record within ten days of the confiscation.

(B) If a person fails to file an appeal within ten days after his conviction or plea of guilty or nolo contendere to the offenses in subsection (A), the sheriff or chief of police shall initiate an action in the circuit court of the county in which the vehicle was confiscated to accomplish forfeiture by giving notice pursuant to subsection (C) to registered owners, lienholders of record, and other persons claiming an interest in the vehicle subject to forfeiture and by giving these persons an opportunity to appear at a hearing and show why the vehicle should not be forfeited and disposed of as provided in subsection (C). The failure of the lienholder to appear at the hearing does not in any way alter or affect the claim of a lienholder of record. Forfeiture of a vehicle is subordinate in priority to all valid liens and encumbrances. The court, after hearing, shall order that the vehicle be forfeited to the sheriff or chief of police and sold in the manner provided in subsection (C), or returned to the registered owner. The court shall order a vehicle returned to the registered owner if it is shown by a preponderance of the evidence that (1) the use of the vehicle on the occasion of arrest was not expressly or impliedly authorized, or (2) the registered owner did not know that the driver did not possess a valid driver's license. Otherwise, the court shall order the vehicle forfeited and disposed of in the manner provided in subsection (C).

(C) A forfeited vehicle with a fair market value of more than five hundred dollars must be disposed of pursuant to Section 56-5-5640 for abandoned vehicles, except that any remaining proceeds from the sale must be deposited in the general fund of the county or municipality. If the fair market value of the vehicle is less than five hundred dollars, it must be sold as scrap to the highest bidder after first receiving at least two bids.

(D) If the registered owner, new purchaser, or lienholder believes the towing, preservation, and storage costs are excessive, he may petition the magistrate in the jurisdiction where the vehicle was taken into custody to determine the fair market price of the services.

(E) Nothing contained in this section shall alter a contractual obligation in an existing insurance policy.

HISTORY: 1988 Act No. 532, Section 26; 1992 Act No. 465, Section 1; 1998 Act No. 434, Section 13; 1999 Act No. 115, Section 1; 2002 Act No. 195, Section 2.

**SECTION 56-5-6250.** Determination of prior convictions; sentence.

When an arrest is made under the provisions of this chapter, the arresting officer must make every effort to determine prior convictions under this chapter. In no instance is sentence to be imposed on a defendant until the court is satisfied prior convictions are properly considered as a part of the sentence.

HISTORY: 1988 Act No. 532, Section 27.

## ARTICLE 45

### Applicability of South Carolina Uniform Act Regulating Traffic to Private Roads

**SECTION 56-5-6310.** Application of chapter to private roads upon owner's consent.

The provisions of Chapters 1, 3, 5, 7, 9, and 10 of Title 56 shall be applicable to private roads if the owner, including any corporation or homeowners' association holding title to community roads and excluding those only holding easements over such roads, shall file a written consent stating that the undersigned is the owner of the private roads shown on an attached plat and consents to the application of the provisions of this chapter for purposes of highway safety on such private roads. When the road is owned by two abutting owners, both shall consent to the application of this chapter. In the event there are more than two owners of the road, the provisions of this chapter shall apply when a majority of those owners of the total front footage abutting such road shall consent thereto. The consent shall be executed with the same formalities as a deed and with the plat shall be filed with the clerk of court or register of deeds for the county in which the private road is located and with the sheriff of such county. No derivation clause shall be required. Such filing shall not constitute a dedication to the public of such roads nor shall it constitute permission by the owner for the public to use such roads. The written consent shall become effective thirty days from the date it is filed with the clerk of court or register of deeds.

HISTORY: 1978 Act No. 518 Section 1; 2005 Act No. 68, Section 5, eff May 23, 2005.

**SECTION 56-5-6320.** Termination of consent.

The consent may be terminated by filing a notice of termination with the clerk of court or register of deeds and the sheriff in the same manner as is provided in Section 56-5-6310 for the consent of the owners. The same percentage of owners shall be required for termination as is required for consent; provided, however, that the heirs, successors or assigns of owners may exercise such right of termination. The termination shall be executed with the same formalities as a deed and shall make reference to the recordation of the original consent and plat. Termination of consent shall become effective thirty days from the date it is filed with the clerk of court or register of deeds.

HISTORY: 1978 Act No. 518 Section 2.

**SECTION 56-5-6330.** Termination shall not affect roads otherwise covered by Act.

The termination shall not affect those portions of this chapter which apply to private roads irrespective of the provisions of this article.

HISTORY: 1978 Act No. 518 Section 3.

**SECTION 56-5-6340.** Establishment of speed limits and traffic control signs.

The speed limits and location of traffic control signs on private roads subjected to the Uniform Act Regulating Traffic pursuant to Section 56-5-6310 shall be established as follows:

(a) The owner of the private roads or both owners, or a majority of the owners, as the case may be, shall submit proposed speed limits and proposed locations for traffic control signs to the

sheriff of the county in which the roads are situate and shall obtain the sheriff's written approval of such speed limits and traffic control signs. Such approval shall be filed with the clerk of court or register of deeds and the affected roads then posted by signs identical or similar to those used on public roads.

(b) After filing with the clerk or register such speed limits and traffic control signs shall become effective as soon as they are posted on signs and thereafter may be enforced by the State Highway Patrol, officers of the sheriff's department and state constables appointed by the Governor, in addition to any other persons having authority to take out warrants or make arrests.

HISTORY: 1978 Act No. 518 Section 4.

**SECTION 56-5-6350.** Application of article to certain private roads.

Nothing contained in this article shall affect the application of this chapter to private roads in any county which complied with any laws in effect prior to the effective date of this article but such roads shall be governed by the provisions of this article as it applies to termination.

HISTORY: 1978 Act No. 518 Section 5.

## ARTICLE 47

### Child Passenger Restraint System

**SECTION 56-5-6410.** Child passenger restraint systems; age and weight as basis for required restraining system; standards.

(A) Every driver of a motor vehicle (passenger car, pickup truck, van, or recreational vehicle) operated on the highways and streets of this State when transporting a child under eight years of age upon the public streets and highways of the State must properly secure the child in the vehicle as follows:

(1) An infant or child under two years of age must be properly secured in a rear-facing child passenger restraint system in a rear passenger seat of the vehicle until the child exceeds the height or weight limit allowed by the manufacturer of the child passenger restraint system being used.

(2) A child at least two years of age or a child under two years of age who has outgrown his rear-facing child passenger restraint system must be secured in a forward-facing child passenger restraint system with a harness in a rear passenger seat of the vehicle until the child exceeds the highest height or weight requirements of the forward-facing child passenger restraint system.

(3) A child at least four years of age who has outgrown his forward-facing child passenger restraint system must be secured by a belt-positioning booster seat in a rear seat of the vehicle until he can meet the height and fit requirements for an adult safety seat belt as described in item

(4). The belt-positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone.

(4) A child at least eight years of age or at least fifty-seven inches tall may be restrained by an adult safety seat belt if the child can be secured properly by an adult safety seat belt. A child is properly secured by an adult safety seat belt if:

- (a) the lap belt fits across the child's thighs and hips and not across the abdomen;
- (b) the shoulder belt crosses the center of the child's chest and not the neck; and

(c) the child is able to sit with his back straight against the vehicle seat back cushion with his knees bent over the vehicle's seat edge without slouching.

(5) For medical reasons that are substantiated with written documentation from the child's physician, advanced nurse practitioner, or physician assistant, a child who is unable to be transported in a standard child passenger safety restraint system may be transported in a standard child passenger safety restraint system designed for his medical needs.

Any child restraint system of a type sufficient to meet the physical standards prescribed by the National Highway Traffic Safety Administration at the time of its manufacture is sufficient to meet the requirements of this article.

(B) For the purposes of this section, any portion of a recreational vehicle that is equipped with temporary living quarters shall be considered a rear passenger seat.

**HISTORY:** 1983 Act No. 2 Section 1; 1988 Act No. 532, Section 16; 1999 Act No. 115, Section 12; 2001 Act No. 65, Section 1; 2017 Act No. 78 (H.3864), Section 1, eff May 19, 2017.

**Effect of Amendment**

2017 Act No. 78, Section 1, rewrote the section, revising the age, weight, and position of a child who must be secured in a child passenger restraint system and providing exceptions when medically necessary.

**SECTION 56-5-6420.** Transportation of children in the front seat of a motor vehicle.

If a motor vehicle lacks a rear passenger seat or if all of its rear seating positions are occupied by children under eight years of age, a child under eight years of age may be transported in the front seat of the motor vehicle if the child is secured properly in an appropriate child passenger safety restraint system or belt-positioning booster seat as described in Section 56-5-6410(1), (2), or (3).

**HISTORY:** 1983 Act No. 2 Section 1; 1988 Act No. 532, Section 17; 2017 Act No. 78 (H.3864), Section 2, eff May 19, 2017.

**Effect of Amendment**

2017 Act No. 78, Section 2, rewrote the section, providing that a child under eight years of age may be transported in the front seat of a motor vehicle under certain circumstances.

**SECTION 56-5-6440.** Persons and vehicles excepted from article.

The provisions of this article do not apply to:

- (1) Taxi drivers.
- (2) Drivers of emergency vehicles when operating in an emergency situation.
- (3) Church, day care and school bus drivers.
- (4) Public transportation operators.
- (5) Commercial vehicles.

**HISTORY:** 1983 Act No. 2 Section 1.

**SECTION 56-5-6445.** Applicability of chapter.

The provisions of this article apply to all motor vehicles equipped with safety belts.

**HISTORY:** 1988 Act No. 532, Section 19.

**SECTION 56-5-6450.** Penalty for violation of article; waiver of fine.

A person who violates the provisions of this article, upon conviction, must be fined not more than one hundred fifty dollars. The court shall waive the fine against a person who, before, or upon the appearance date on the summons, supplies the court with evidence of acquisition, purchase, or rental of a child restraint system meeting the requirements of this article.

HISTORY: 1983 Act No. 2 Section 1; 2005 Act No. 147, Section 1, eff 6 months after approval (became law without the Governor's signature on June 9, 2005); 2006 Act No. 273, Section 1, eff May 9, 2006.

**SECTION 56-5-6460.** Violation of article does not constitute negligence.

A violation of this article shall not constitute negligence, per se, contributory negligence nor be admissible as evidence in any trial of any civil action.

HISTORY: 1983 Act No. 2 Section 1.

**SECTION 56-5-6470.** Enforcement after June 30, 1984.

After June 30, 1984, any person violating the provisions of Article 47 of Chapter 5 of Title 56 may be, when apprehended, issued a summons, to appear in court for the violation, but no person shall at any time be placed under arrest or taken into custody for such a violation, other than upon a warrant issued for failure to appear in court in accordance with the summons or upon failure to pay a fine duly imposed by a court upon conviction.

HISTORY: 1983 Act No. 2 Section 1.

## ARTICLE 48 Safety Belts

**SECTION 56-5-6510.** Definitions.

As used in this article:

(1) "Motor vehicle" means a passenger car, truck, van, or recreational vehicle required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208), manufactured after July, 1966.

(2) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

HISTORY: 1989 Act No. 148, Section 47(A).

**SECTION 56-5-6520.** Mandatory use of seat belt.

The driver and every occupant of a motor vehicle, when it is being operated on the public streets and highways of this State, must wear a fastened safety belt which complies with all provisions of federal law for its use. The driver is charged with the responsibility of requiring each occupant seventeen years of age or younger to wear a safety belt or be secured in a child restraint system as provided in Article 47 of this chapter. However, a driver is not responsible for an occupant seventeen years of age or younger who has a driver's license, special restricted

license, or beginner's permit and who is not wearing a seat belt; such occupant is in violation of this article and must be fined in accordance with Section 56-5-6540.

HISTORY: 1989 Act No. 148, Section 47(A); 2001 Act No. 65, Section 2.

**SECTION 56-5-6525.** Limits on use of checkpoints or roadblocks to enforce this article.

(A) The Department of Public Safety or any other law enforcement agency must not use a "Click It or Ticket" campaign or a similar endeavor of systematic checkpoints or roadblocks as a law enforcement tool where the principal purpose is to detect and issue a ticket to a violator of the provisions of this article on either a primary or secondary basis.

(B) A person must not be issued a citation at any checkpoint established to stop all drivers on a certain road for a period of time for removing their seatbelts in order to retrieve documentation that must be produced at the checkpoint.

HISTORY: 2001 Act No. 65, Section 3; 2005 Act No. 147, Section 2, eff 6 months after approval (became law without the Governor's signature on June 9, 2005).

**SECTION 56-5-6530.** Exceptions.

The provisions of this article do not apply to:

(1) a driver or occupant who possesses a written verification from a physician that he is unable to wear a safety belt for physical or medical reasons;

(2) medical or rescue personnel attending to injured or sick individuals in an emergency vehicle when operating in an emergency situation as well as the injured or sick individuals;

(3) school, church, or day care buses;

(4) public transportation vehicles except taxis;

(5) occupants of vehicles in parades;

(6) United States mail carriers;

(7) an occupant for which no safety belt is available because all belts are being used by other occupants;

(8) a driver or occupants in a vehicle not originally equipped with safety belts.

HISTORY: 1989 Act No. 148, Section 47(A); 2001 Act No. 65, Section 4; 2005 Act No. 147, Section 3, eff 6 months after approval (became law without the Governor's signature on June 9, 2005).

**SECTION 56-5-6540.** Penalty; nature of offense; issuance of citations at checkpoints; admissibility as evidence of negligence in civil action; searches; probable cause that violation has occurred; trial; appeals.

(A) A person who is adjudicated to be in violation of the provisions of this article must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this article. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this article. A custodial arrest for a violation of this article must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this article does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this article must not be:

(1) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(2) reported to the offender's motor vehicle insurer.

(B) A law enforcement officer must not issue a citation to a driver or a passenger for a violation of this article when the stop is made in conjunction with a driver's license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the driver is cited for violating another motor vehicle law. The driver and any passenger shall be required to buckle up before departing the checkpoint and should the driver or the passenger refuse, then the person refusing may be charged with a primary violation.

(C) A violation of this article is not negligence per se or contributory negligence, and is not admissible as evidence in a civil action.

(D) A vehicle, driver, or occupant in a vehicle must not be searched, nor may consent to search be requested by a law enforcement officer, solely because of a violation of this article.

(E) A law enforcement officer must not stop a driver for a violation of this article except when the officer has probable cause that a violation has occurred based on his clear and unobstructed view of a driver or an occupant of the motor vehicle who is not wearing a safety belt or is not secured in a child restraint system as required by Article 47 of this chapter.

(F) A person charged with a violation of this article may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was not wearing a safety belt at the time of the incident, the penalty is a civil fine pursuant to Section 56-5-6540. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was not wearing a safety belt, no penalty shall be assessed.

(G) A person found to be in violation of this article may bring an appeal to the court of common pleas pursuant to Section 18-3-10 or Section 14-25-95.

**HISTORY:** 1989 Act No. 148, Section 47(A); 2001 Act No. 65, Section 5; 2005 Act No. 147, Section 4, eff 6 months after approval (became law without the Governor's signature on June 9, 2005).

**SECTION 56-5-6550.** No points against license for violation.

No points provided for in Section 56-1-720 or any other provision of law may be assessed for a violation of this article.

**HISTORY:** 1989 Act No. 148, Section 47(A).

**SECTION 56-5-6560.** Collection of motor vehicle stop data regarding age, gender, and race of driver; development of database; reports.

(A) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must

promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subsection (A) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

(C) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(D) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2010 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2010 Session.

**HISTORY:** 2005 Act No. 147, Section 5, eff 6 months after approval (became law without the Governor's signature on June 9, 2005), except requirements relating to the Department of Public Safety take effect July 1, 2006, and requirements relating to local law enforcement take effect July 1, 2007.

**SECTION 56-5-6565.** Safety belt education programs.

(A) The Department of Public Safety shall develop and implement education programs designed to create awareness of the state's safety belt laws and to increase safety belt use in rural and ethnically diverse areas throughout the State. The Department of Public Safety, when securing consultant, contractor, and subcontractor services for developing and implementing programs related to safety belt laws, shall select providers that have experience working with the communities the provider is procured to target. The Department of Public Safety shall confer with members of the targeted communities for input on the development of effective safety education programs and on the identification of providers that have the appropriate experience with the targeted communities.

(B) The Department of Transportation may develop additional programs to promote safety belt use or may coordinate with the Department of Public Safety to fund and carry out the programs jointly. If there is coordination between the two departments, the Department of Public Safety has final authority on all issues including, but not limited to, program content and dissemination, allocation of funds, and procurement procedures.

(C) The Department of Public Safety may use available federal funds or private sector contributions to meet the requirements of subsection (A). The General Assembly may provide funds to supplement federal or private sector funds used by the Department of Public Safety or the Department of Transportation to develop and implement the programs described in subsection (A). The General Assembly shall provide the Department of Public Safety the funds necessary to meet the requirements of subsection (A), if federal or private sector funds are unavailable.

**HISTORY:** 2005 Act No. 147, Section 6, eff 6 months after approval (became law without the Governor's signature on June 9, 2005).

**SECTION 56-7-10.** Use of uniform traffic ticket; vesting of jurisdiction; forms; utilization of electronic devices.

(A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

Offense	Citation	
Interfering with Police Officer Serving Process	Section 16-5-50	
Dumping Trash on Highway/Private Property	Section 16-11-700	
Indecent Exposure	Section 16-15-130	
Disorderly Conduct	Section 16-17-530	
Damaging Highway	Section 57-7-10	
Place Glass, Nails, Etc. on Highway	Section 57-7-20	
Obstruction of Highway by Railroad Cars, Etc.	Section 57-7-240	
Signs Permitted on Interstate	Section 57-25-140	
Brown Bagging	Section 61-5-20	
Drinking Liquors in Public Conveyance	Section 61-13-360	
Poles Dragging on Highway	Section 57-7-80	
Open Container	Section 61-9-87	
Purchase or Possession of Beer or Wine by a Person Under Age	Section 63-19-2440	
Purchase or Possession of Alcoholic Liquor by a Person Under Age Twenty-One	Section 63-19-2450	
Unlawful Possession and Consumption of Alcoholic Liquors	Section 61-5-30	
Sale of Beer or Wine on Which Tax Has Not Been Paid	Section 61-9-20	
Falsification of Age to Purchase Beer or Wine	Section 61-9-50	
Unlawful Purchase of Beer or Wine for a Person Who Cannot Legally Buy	Section 61-9-60	
Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another	Section 61-9-85	
Employment of a Person Under the Age of Twenty-One as an Employee in Retail or Wholesale or Manufacturing Liquor Business	Section 61-13-340	
Failure to Remove Doors from Abandoned Refrigerators	Section 16-3-1010	
Malicious Injury to Animals or Personal Property	Section 16-11-510	

Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars	Section 16-11-580	
Littering	Section 16-11-700	
Larceny of a Bicycle Valued at Less Than One Hundred Dollars	Section 16-13-80	
Shoplifting	Section 16-13-110	
Cock Fighting	Section 16-17-650	
Ticket Scalping	Section 16-17-710	
Domestic Violence, second and third degree	Section 16-25-20	
Glue Sniffing	Section 44-53-1110	
Trespassing	Section 16-11-755	
Trespassing	Section 16-11-600	
Trespassing	Section 16-11-610	
Trespassing	Section 16-11-620	
Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs	Section 50-21-110	
Negligence of Boat Livery to Provide Proper Equipment and Registration	Section 50-21-120	
Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area	Section 50-21-170	
Operation of Watercraft Without a Certificate of Title	Section 50-23-190	
Parking on private property without permission	Section 16-11-760	
Certificate of Veterinary Inspection; Requirement for Out-of-State Livestock or Poultry	Section 47-4-60	
Inhibition of Livestock Inspection	Section 47-4-120	
Imported Swine	Section 47-6-50	
Operating Equine Sales Facility or Livestock Market Without Permit	Section 47-11-20	
Liability of Person Removing Livestock for Slaughter	Section 47-11-120	
Notice to Disinfect	Section	

	47-13-310	
Quarantine of Livestock or Poultry	Section 47-4-70	
Unlawful for Horse to Enter State Unless Tested	Section 47-13-1350	
Quarantine of Exposed Horses	Section 47-13-1360	
Proof of Test Required for Public Assembly of Horses	Section 47-13-1370	
False Certificates	Section 47-13-1390	
Unlawful to Feed Garbage to Swine	Section 47-15-20	
Notification Required from Certain Persons Disposing of Garbage	Section 47-15-40	
Sale of Uninspected Meat and Meat Products	Section 47-17-60	
Sale of Uninspected Poultry and Poultry Product	Section 47-19-70	

(B) In addition to the offenses contained in subsection (A), a uniform traffic ticket may be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

(C) No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders', and magistrates' courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.

HISTORY: 1962 Code Section 46-871; 1967 (55) 203; 1971 (57) 474; 1980 Act No. 353, Section 1; 1984 Act No. 467; 1985 Act No. 158, Section 1; 1987 Act No. 185 Section 2; 1993 Act No. 181, Section 1468; 1996 Act No; 459, Section 214; 2003 Act No. 54, Section 2; 2005 Act No. 68, Section 1, eff May 23, 2005; 2013 Act No. 78, Section 1, eff June 13, 2013; 2015 Act No. 58 (S.3), Pt II, Section 8, eff June 4, 2015.

**SECTION 56-7-12.** Verification of insurance coverage upon issuance of traffic ticket; form; penalty.

(A) When the operator or owner of an individual private passenger automobile as defined in Section 38-77-30(5.5) is issued a traffic ticket for a moving violation by a law enforcement officer, he may be furnished a written request form to be completed by him and his insurance company or the agent issuing the policy to verify liability insurance coverage. The form must be prescribed by the Department of Motor Vehicles and the Department of Public Safety.

(B) The completed and verified form must be returned by the operator or owner to the local law enforcement agency issuing the traffic ticket within fifteen days from the date he receives it. Failure to return the form verified in the proper manner is prima facie evidence that the vehicle was uninsured.

(C) The director or his designee of the department shall waive the reinstatement fee or per diem fine, or both, imposed upon the owner or operator of the motor vehicle pursuant to this section for his failure to complete and return the insurance verification form if he has liability insurance coverage when determined to be uninsured by the department. The Department of Motor Vehicles shall document its reasons for waiving the fees or fines in the records of the department.

(D) No person knowingly may furnish or aid another in the submission of false or misleading information in the completed and verified form. A person who knowingly furnishes or aids another in submitting false or misleading information regarding the verification of liability insurance is subject to the penalties in Section 56-10-260.

(E) This section applies only to owners and operators of motor vehicles registered under the laws of South Carolina.

(F) Motor vehicles determined to be uninsured under this section are subject to Sections 56-10-240 and 56-10-245.

(G) The operator of the motor vehicle shall present the written request form for verification of liability insurance coverage to the owner of the vehicle. Failure by the operator to give the form to the owner is prima facie evidence that the operator knowingly furnished false and misleading information to the department.

However, the form must have the following sentence on its face in bold type, all capitals, and large print: "THE OWNER OR OPERATOR OF A MOTOR VEHICLE WHO IS ISSUED THIS FORM SHALL COMPLETE AND RETURN THE FORM TO THE ISSUING AGENCY WITHIN FIFTEEN DAYS OR IS SUBJECT TO A TWO HUNDRED DOLLAR REINSTATEMENT FEE AND FIVE DOLLAR A DAY FINE PURSUANT TO SOUTH CAROLINA LAW. IF YOU ARE NOT THE OWNER OF THE MOTOR VEHICLE, YOU SHALL PRESENT THIS FORM TO THE OWNER OR YOU ARE SUBJECT TO FINE AND IMPRISONMENT." The officer shall read aloud this sentence to the owner or operator of the motor vehicle upon furnishing the written request form to verify liability insurance coverage.

HISTORY: 1993 Act No. 113, Section 2; 1996 Act No. 459, Section 215.

**SECTION 56-7-15.** Use of uniform traffic ticket for offense committed in officer's presence; domestic violence arrests and incident report.

(A) The uniform traffic ticket, established pursuant to the provisions of Section 56-7-10, may be used by law enforcement officers to arrest a person for an offense that has been freshly committed or is committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrates court and municipal court. A law enforcement agency processing an arrest made pursuant to this section must furnish the information to the State Law Enforcement Division as required in Chapter 3, Title 23.

(B) An officer who effects an arrest, by use of a uniform traffic ticket, for a violation of Chapter 25, Title 16 or Section 16-13-110 shall complete and file an incident report immediately following the issuance of the uniform traffic ticket.

(C) The issuance of a uniform traffic ticket alleging the violation of Section 56-5-2770 is not subject to the provisions of this section.

HISTORY: 1990 Act No. 601, Section 1; 2003 Act No. 92, Section 5; 2005 Act No. 166, Section 15, eff January 1, 2006; 2013 Act No. 78, Section 2, eff June 13, 2013; 2014 Act No. 274 (H.5014), Section 5, eff June 9, 2014.

**SECTION 56-7-20.** Unique identifying numbers on tickets; colors and number of copies; electronic tickets.

Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer. Tickets may be collected electronically, but must be transmitted to the Department of Motor Vehicles electronically. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles' electronic specifications.

HISTORY: 1962 Code Section 46-872; 1967 (55) 203; 1980 Act No. 353, Section 2; 1993 Act No. 181, Section 1469; 2005 Act No. 68, Section 2, eff May 23, 2005; 2009 Act No. 1, Section 1, eff April 7, 2009; 2016 Act No. 185 (H.3685), Section 1, eff January 1, 2017.

**SECTION 56-7-30.** Printing and ordering traffic tickets; forwarding to court and Department of Motor Vehicles within three business days of issuance to offender; forwarding of disposition information; electronic tickets.

(A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The court's copy must be forwarded by the law enforcement agency to the appropriate court and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. After final trial court action or nolle prosequi, disposition information must be forwarded electronically to the Department of Motor Vehicles by the appropriate court within five business days of the trial date.

(B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56-7-10 may generate a printed copy of this ticket by using an in-car data terminal or hand held device. A copy of the ticket must be given to the offender. The court's copy must be forwarded by the law enforcement agency to the appropriate court, in a format as prescribed by the South Carolina Judicial Department, and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles' and the South Carolina Judicial Department's electronic systems specifications.

HISTORY: 1962 Code Section 46-873; 1967 (55) 203; 1980 Act No. 353, Section 3; 1993 Act No. 181, Section 1470; 2005 Act No. 68, Section 3, eff May 23, 2005; 2016 Act No. 185 (H.3685), Section 2, eff January 1, 2017.

**SECTION 56-7-35.** Uniform traffic ticket for speeding or disregarding traffic control device; incident to and contemporaneous with traffic stop; delivery; use of photographic evidence; exception for toll collection violation.

(A)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding must do so incident to and contemporaneous with a traffic stop.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56-3-20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(B)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or the traffic laws relating to disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56-3-20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to disregarding traffic control devices may not be issued based in whole upon photographic evidence, whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(C) The provisions of this section do not apply to:

- (1) toll collection; or
- (2) issuance of a uniform traffic citation alleging the violation of Section 56-5-2770.

HISTORY: 2011 Act No. 65, Section 1, eff June 17, 2011; 2014 Act No. 274 (H.5014), Section 4, eff June 9, 2014.

**SECTION 56-7-40.** Penalty for failure to account for ticket, use of nonuniform ticket, or failure to forward ticket.

Any person intentionally violating the provisions of Section 56-7-10 or 56-7-30 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely electronically forward the Department of Motor Vehicles a copy of the ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department of Motor Vehicles a copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrates court and, upon conviction, shall be punishable by a fine of not more than one hundred dollars.

HISTORY: 1962 Code Section 46-874; 1967 (55) 203; 1980 Act No. 353, Section 4; 2016 Act No. 185 (H.3685), Section 3, eff January 1, 2017.

**SECTION 56-7-50.** Nonapplicability to certain agencies.

The provisions of this chapter shall not apply to the South Carolina Department of Natural Resources or to any of its agents.

HISTORY: 1985 Act No. 158, Section 2; 1993 Act No. 181, Section 1471.

**SECTION 56-7-70.** Law enforcement officer identification upon stopping a driver.

When a law enforcement officer stops a driver for a violation of the motor vehicle laws, he shall present his law enforcement badge or other appropriate identification to the driver immediately upon approaching him and before questioning.

HISTORY: 1990 Act No. 598, Section 1.

**SECTION 56-7-80.** County or municipal uniform ordinance summons.

(A) Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons. Any county or municipality adopting the ordinance summons is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity.

(B) The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

(C) An ordinance summons must cite only one violation per summons and must contain at least the following information:

- (1) the name and address of the person or entity charged;
- (2) the name and title of the issuing officer;
- (3) the time, date, and location of the hearing;
- (4) a description of the ordinance the person or entity is charged with violating;
- (5) the procedure to post bond; and
- (6) any other notice or warning otherwise required by law.

The ordinance summonses must be consecutively and discretely numbered. The ordinance summonses must be audited as part of the annual independent audit required in Section 4-9-150 for counties and in Section 5-7-240 for municipalities, and a separate copy of each audit must be furnished to the chief administrative officer of the county or municipality, as appropriate.

(D) Service of a uniform ordinance summons vests all magistrates' and municipal courts with jurisdiction to hear and dispose of the charge for which the ordinance summons was issued and served.

(E) Any law enforcement officer or code enforcement officer who serves an ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate or municipal judge. Acceptance of an ordinance summons constitutes a person's recognizance to comply with the terms of the summons.

(F) Any person who fails to appear before the court as required by an ordinance summons, without first having posted such bond as may be required or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Any law enforcement agency processing an arrest made pursuant to this subsection must furnish such information to the State Law Enforcement Division as required by Chapter 3 of Title 23.

(G) This statute does not prohibit a county or municipality from enforcing ordinances by means otherwise authorized by law.

HISTORY: 1992 Act No. 328, Section 1.

## CHAPTER 9 Motor Vehicle Financial Responsibility Act

### ARTICLE 1 General Provisions

#### **SECTION 56-9-10.** Short title.

This chapter may be cited as the "Motor Vehicle Financial Responsibility Act".

HISTORY: 1962 Code Section 46-701; 1952 (47) 1853; 1974 (58) 2718.

#### **SECTION 56-9-20.** Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Insured motor vehicle": A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item (7) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

(2) "Judgment": Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of service, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;

(3) "License": Any license, temporary instruction permit or temporary license issued under the laws of this State pertaining to the licensing of persons to operate vehicles;

(4) "Motor vehicle": Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles but excepting traction engines, road rollers, farm tractors, tractor cranes, power shovels, mopeds, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;

(5) "Motor vehicle liability policy": An owner's or an operator's policy of liability insurance that fulfills all the requirements of Sections 38-77-140 through 38-77-230, certified as provided in Section 56-9-550 or 56-9-560 as proof of financial responsibility and issued, except as otherwise provided in Section 56-9-560, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person or persons named therein as insured, and any other person, as insured, using the vehicle described therein with the express or implied permission of the named insured, and subject to the following special conditions:

(a) Contents of motor vehicle liability policy. The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all of the provisions of this chapter.

(b) Provisions deemed incorporated in such policy. Every motor vehicle liability policy is subject to the following provisions, which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs;

(2) The policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage;

(3) No Statement made by the insured or on his behalf and no violation of the policy shall defeat or void the policy;

(4) The satisfaction by the insured of a judgment for the injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(5) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Section 38-77-140; and

(6) The policy, written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(c) What policy need not cover. The motor vehicle liability policy need not insure any liability under the Workers' Compensation Law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of the motor vehicle, nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(d) Additional coverage permitted. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and the excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants this excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this article.

(e) Additional permissible provisions. Any motor vehicle liability policy may provide:

(1) That the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter; and

(2) For the prorating of the insurance thereunder with other valid and collectible insurance.

(f) Requirements may be met by several policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(g) Legal binder deemed to meet requirements. Any legal binder issued pending the issuance of a motor vehicle liability policy shall be considered as fulfilling the requirements for such policy.

(h) Notice required to cancel certified policy; cancellation by subsequent policy. When an insurance carrier has certified a motor vehicle liability policy under Sections 56-9-550 or 56-9-560, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance certified shall be filed with the Department of Motor Vehicles, except that a policy subsequently procured and certified shall at 12:01 A. M., on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

(i) Other required policies unaffected. This chapter shall not be held to apply to or affect policies of automobile insurance against liability insuring public carriers or policies which may be required by any other law of this State, any law or ordinance of any municipality or any law or regulation of the United States or any of its agencies, and those policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(j) Chapter inapplicable to policies covering use by employees, etc., of vehicles not owned by insured. This chapter shall not be held to apply to or affect policies insuring solely the insured

named in the policy against liability resulting from the maintenance or use by the persons in the insured's employ or on his behalf of motor vehicles not owned by the insured;

(6) "Nonresident": Every person who is not a resident of this State;

(7) "Nonresident operating privilege": The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by him of a motor vehicle or the use of a motor vehicle owned by him in this State;

(8) "Operator": Every person who is in actual physical control of a motor vehicle, whether or not licensed as an operator or chauffeur under the laws of this State;

(9) "Owner": A person who holds the legal title of a motor vehicle, or, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purposes of this chapter;

(10) "Person": Every natural person, firm, copartnership, association or corporation;

(11) "Proof of financial responsibility": Proof of ability to respond to damages for liability, as provided in Section 38-77-150, or, on account of accidents occurring after the effective date of this proof, arising out of the ownership, maintenance, or use of a motor vehicle in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to this limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

(12) "Registration": Registration certificates and registration or license plates issued under the laws of this State pertaining to the license and registration of motor vehicles;

(13) "State": Any state, territory or possession of the United States, the District of Columbia or any province of the Dominion of Canada; and

(14) "Uninsured motor vehicle": Any motor vehicle which is not an insured motor vehicle as defined in item (3) of this section.

(15) "Uninsured Motorist Fund" means a fund established for fees collected by the director of the Department of Motor Vehicles from registration of uninsured vehicles.

HISTORY: 1962 Code Section 46-702; 1952 (47) 1853; 1959 (51) 567; 1963 (53) 523; 1977 Act No. 80 Section 1; 1986 Act No. 528, Section 12; 1987 Act No. 155, Sections 18-21; 1993 Act No. 181, Section 1472; 1996 Act No. 459, Section 246A; 1997 Act No. 154, Section 1; 2003 Act No. 73, Section 18; 2013 Act No. 47, Section 2, eff January 1, 2014.

**SECTION 56-9-30.** Chapter inapplicable to certain motor vehicles.

This chapter does not apply with respect to any motor vehicle owned by the United States, this State, or any political subdivision of this State or any municipality therein, nor, except for Section 56-9-590, does it apply with respect to any motor vehicle which is subject to other laws of this State which require their owners to carry insurance or to place security in a manner which would make those owners carry insurance or place security in addition to the amounts required by this chapter.

HISTORY: 1962 Code Section 46-704; 1952 (47) 1853; 1977 Act No. 80 Section 2; 1987 Act No. 155, Section 16.

**SECTION 56-9-40.** Rights of conditional vendors, chattel mortgagees, or lessors not affected.

This chapter shall not affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

HISTORY: 1962 Code Section 46-705; 1952 (47) 1853.

**SECTION 56-9-50.** Sale of vehicle when registration suspended not affected.

This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended under this chapter, from effecting a bona fide sale of the motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of the motor vehicle by the transferee.

HISTORY: 1962 Code Section 46-706; 1952 (47) 1853.

**SECTION 56-9-60.** Self-insurers for motor vehicles; determination of financial responsibility.

(A) A person or company who has more than twenty-five motor vehicles registered in his name may qualify as a self-insurer provided that the department is satisfied that the person or company is able to pay any judgments obtained against the person or company. Upon not less than ten days' notice, the department may issue a staff determination canceling self-insurer status when the requirements for the status no longer are met. The notice must provide that a person aggrieved by the staff determination may file a request for a contested case hearing with the Office of Motor Vehicle Hearings in accordance with its rules of procedure. The person or company must submit the following information to the department for it to determine financial responsibility:

(1) a copy of the applicant's latest financial statement prepared by a certified public accountant licensed to do business in South Carolina, indicating that the applicant has a positive net worth;

(2) a current list of all vehicles registered in applicant's name;

(3) the applicant's procedural guidelines for processing claims; and

(4) the applicant must have a net worth of at least twenty million dollars or the department may require the applicant to deposit in a segregated self-insured claims account the sum of three thousand dollars for each vehicle to be covered by the self-insurer's certificate. Eighty percent must be cash or an irrevocable letter of credit issued by a bank chartered in this State or a member bank of the federal reserve system, and the remaining twenty percent may be satisfied by the "quick sale" appraised value of real estate located in the State, as certified by a licensed appraiser. The three thousand dollar a vehicle amount may not decrease more than thirty percent in any given certificate year.

(B) A person or company that qualifies as a self-insurer, pursuant to this section, may issue certificates of insurance only on the vehicles registered in the applicant's name.

HISTORY: 1962 Code Section 46-709; 1952 (47) 1853; 1992 Act No. 492, Section 1; 1996 Act No. 331, Section 1; 2006 Act No. 241, Section 1, eff March 15, 2006; 2008 Act No. 279, Section 8, eff October 1, 2008.

**SECTION 56-9-80.** General penalties for violations of chapter.

Any person who shall violate any provision of this chapter, for which no penalty is otherwise provided, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 46-712; 1952 (47) 1853.

**SECTION 56-9-90.** Chapter as no bar to other remedies.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

HISTORY: 1962 Code Section 46-707; 1952 (47) 1853.

**SECTION 56-9-100.** Chapter is supplemental and cumulative.

This chapter shall in no respect be considered as a repeal of any other provision contained in this Title or the motor vehicle laws of this State but shall be construed as supplemental and cumulative thereto.

HISTORY: 1962 Code Section 46-708; 1952 (47) 1853; 1959 (51) 567.

**SECTION 56-9-110.** Retroactive application of chapter.

Reserved by 2017 Act No. 89, Section 28, effective November 19, 2018.

This chapter shall not apply with respect to any accident or judgment arising therefrom or violation of the motor vehicle laws of this State, occurring prior to January 1, 1953.

HISTORY: 1962 Code Section 46-713; 1952 (47) 1853.

**SECTION 56-9-120.** Construction.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact substantially identical legislation.

HISTORY: 1962 Code Section 46-703; 1952 (47) 1853.

### ARTICLE 3

#### Administration and Enforcement

**SECTION 56-9-330.** Department of Motor Vehicles shall furnish abstracts of operating records; abstracts inadmissible as evidence.

(1) The Department of Motor Vehicles, upon request and the payment of a fee, shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any conviction of that person for violating any

laws relating to the operation of a motor vehicle or of any injury or damage caused by that person, the department shall so certify. The department, upon request and the payment of a reasonable fee, shall furnish a monthly listing by magnetic or other electronic media of all driver's license numbers that had driving violations posted on their records during the previous month. These abstracts are not admissible as evidence in any action for damages or criminal proceedings arising out of motor vehicle accidents.

(2) The department shall, upon request, and the payment of a fee furnish any person a copy of a vehicle accident report. Revenue generated by the fee imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1962 Code Section 46-717; 1952 (47) 1853; 1976 Act No. 738 Section 9; 1985 Act No. 201, Part II, Section 57; 1989 Act No. 148, Section 2; 1996 Act No. 459, Section 216; 2016 Act No. 275 (S.1258), Section 77.A, eff July 1, 2016.

**SECTION 56-9-340.** Surrender of license and registration; failure to surrender.

Any person (a) whose license and registration has been suspended as provided in this chapter, (b) whose policy of insurance or bond, when required under this chapter, has been canceled or terminated, or (c) who has neglected to furnish other proof upon request of the Department of Motor Vehicles shall immediately return his license and registration to the department. If any person fails to return to the department his license or registration as provided in this section, the department may secure possession by a commissioned highway patrolman.

Any person wilfully failing to return his license or registration as required in this section must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for thirty days and, upon conviction if a second offense, be fined two hundred dollars or imprisoned for thirty days, or both, and for a third and subsequent offenses must be imprisoned for not less than forty-five days nor more than six months.

Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section.

HISTORY: 1962 Code Section 46-718; 1952 (47) 1853; 1988 Act No. 532, Section 20.

#### ARTICLE 4

#### Security Following Motor Vehicle Accidents

**SECTION 56-9-350.** Verification of insurance coverage form to be issued following certain accidents; effect of failure to return form; uninvestigated accidents.

The operator or owner of a motor vehicle involved in an accident resulting in property damage of four hundred dollars or more, or in bodily injury or death, must be furnished a written request form at the time of the accident, or as soon after the accident as possible, by the investigating officer for completion and verification of liability insurance coverage, the form to be in a manner prescribed by the Department of Motor Vehicles and the Department of Public Safety.

The completed and verified form must be returned by the operator or owner to the Department of Motor Vehicles within fifteen days from the date the form was delivered by the officer. Failure to return the form, verified in the proper manner, is prima facie evidence that the vehicle was uninsured.

The operator or owner of a motor vehicle involved in an accident resulting in property damage of four hundred dollars or more, or in bodily injury or death, which was not investigated by a law enforcement officer shall furnish to the Department of Motor Vehicles a written report and verification of liability insurance coverage, the proof to be in a manner prescribed by the Department.

HISTORY: 1978 Act No. 467 Section 1; 1988 Act No. 665, Section 2.

**SECTION 56-9-351.** Deposit of security by owner following accident; suspension of license, registrations, and notice.

Within sixty days of receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death or damage to the property of any one person in the amount of two hundred dollars or more, the Department of Motor Vehicles shall suspend the license of each operator or driver if he is the owner of the motor vehicle involved in the accident and all registrations of each owner of a motor vehicle involved in the accident. If the operator or driver is a nonresident, the privilege of operating a motor vehicle within this State and the privilege of the use within this State of a motor vehicle owned by him is suspended unless the operator, driver or owner, or both, deposits security in a sum not less than two hundred dollars or an additional amount as the department may specify that will be sufficient to satisfy a judgment that may be recovered for damages resulting from the accident which may be recovered against the operator or owner. Notice of the suspension must be sent by the department to the operator and owner at least ten days before the effective date of the suspension and shall state the amount required as security.

HISTORY: 1978 Act No. 467 Section 1; 1992 Act No. 510, Section 1.

**SECTION 56-9-352.** Exceptions.

Section 56-9-351 shall not apply to any of the following:

(1) The operator or owner if the owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in the accident;

(2) The operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) The operator or owner if the liability of the operator or owner for damages resulting from the accident is, in the judgment of the Department of Motor Vehicles, covered by any other form of liability insurance policy or bond;

(4) Any person qualifying as a self-insurer under Section 56-9-60 of this chapter;

(5) The operator or owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such owner or operator;

(6) The owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating the motor vehicle without his permission, express or implied;

(7) If, before the date that the Department would otherwise suspend the license and registration or nonresident's operating privilege under Section 56-9-351, there shall be filed with the Department evidence satisfactory to it that the person who would otherwise have to file security (a) has been released from liability, (b) has been finally adjudicated not to be liable, (c) has

executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to or (d) has executed a duly acknowledged written agreement, providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accidents;

(8) The owner of any legally parked vehicle when struck by another vehicle;

(9) Any person operating a motor vehicle owned by his employer while he is operating the vehicle in the scope of his employment.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-353.** Type and terms of policy or bond.

No policy or bond shall be effective under Sections 56-9-351 and 56-9-352 unless issued by an insurance company or surety company licensed and authorized by the South Carolina Department of Insurance to do business in this State, except that if the motor vehicle was not registered in this State or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, the policy or bond shall not be effective under Sections 56-9-351 and 56-9-352 unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department of Motor Vehicles to accept service on its behalf of notice of process in any action upon the policy or bond arising out of the accident. Every policy or bond must be subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and subject to this limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

HISTORY: 1978 Act No. 467 Section 1; 2013 Act No. 47, Section 3, eff January 1, 2014.

**SECTION 56-9-354.** Conditions for renewal of suspended license, registration, and operating privilege.

The license and registration and nonresident's operating privilege suspended as provided in Section 56-9-351 shall, except as otherwise provided for in Section 56-9-361, remain suspended and shall not be renewed nor shall any license or registration be issued to him until:

(1) He shall deposit or there shall be deposited on his behalf the security required under Section 56-9-351;

(2) Two years shall have elapsed following the date of the accident and evidence satisfactory to the Department of Motor Vehicles has been filed with it that during that period no action for damages arising out of the accident has been instituted; or

(3) Evidence satisfactory to the Department has been filed with it of a release from liability, a final adjudication of nonliability, a warrant for confession of judgment or a duly acknowledged written agreement, in accordance with item (7) of Section 56-9-352; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of default, the Department shall suspend the license and registration or nonresident's operating privilege of the person defaulting, which shall not be restored until the

entire amount provided for in confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of default, the Department shall suspend the license and registration or nonresident's operating privilege of the person defaulting, which shall not be restored unless and until (a) he deposits and thereafter maintains security as required under Section 56-9-351 in the amount the Department may determine or (b) two years shall have elapsed following the date when the security was required and during that period no action upon the agreement has been instituted in a court in this State.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-355.** Driver or owner involved in accident may not obtain license or registration without compliance with article.

In the event the driver or the owner of a vehicle of a type subject to registration under the laws of this State, involved in an accident within this State, has no license or registration in this State, such driver shall not be allowed a license nor shall such owner be allowed to register any vehicle in this State until he has complied with the requirements of this article to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this State.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-356.** Transmittal of record of nonresident's suspension to officials in nonresident's state.

When a nonresident's operating privilege is suspended pursuant to Section 56-9-351 or 56-9-354, the Department of Motor Vehicles shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in Section 56-9-357.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-357.** Suspension of resident's license and registration upon notice of suspension in another state.

Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident under circumstances which would require the Department of Motor Vehicles to suspend a nonresident's operating privilege had the accident occurred in this State, the Department shall suspend the license of such resident if he was the driver and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-358.** Limit on security required; deposit.

The security required under this article shall be in the form and in the amount that the Department of Motor Vehicles may require but in no case in excess of the limits specified in Section 56-9-353 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person on whose behalf the deposit is made and, at any time while the deposit is in the custody of the Department or State Treasurer, the person depositing it may, in writing, amend the specifications of the persons on whose behalf the deposit is made to include additional persons; but a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-359.** Reduction of amount of security.

The Department of Motor Vehicles may at any time reduce the amount of security ordered in any case if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative, notwithstanding the provisions of Section 56-9-360. In no case shall the Department reduce the amount of security to a sum less than two hundred dollars.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-360.** Security to be in custody of State Treasurer; applications to which security may be put; return.

Security deposited in compliance with the requirements of this article shall be placed by the Department of Motor Vehicles in the custody of the State Treasurer and shall be applicable only to the payment of judgments rendered against the persons on whose behalf the deposit was made for damages arising out of the accident in question in an action at law begun not later than two years after the date of the accident or within two years after the date of deposit of any security under item (3) of Section 56-9-354, and this deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Department has been filed with it that there has been a release from liability, a final adjudication of nonliability, a warrant for confession of judgment or a duly acknowledged agreement, in accordance with item (7) of Section 56-9-352 or whenever, after the expiration of two years from the date of the accident or within two years after the date of deposit of any security under item (3) of Section 56-9-354, the Department shall be given reasonable evidence that there is no action pending and no judgment rendered in the action left unpaid.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-361.** Employment of suspended driver as operator of vehicle; employer's proof of financial responsibility.

Whenever any person whose license would otherwise have been suspended for failure to deposit security required pursuant to this article is, or later becomes, an operator in the employ of another owner, the Department of Motor Vehicles may in its discretion, notwithstanding any provisions in this chapter to the contrary, allow such person to retain his license to operate a

vehicle of another owner, in the pursuit of such employment, if the employer-owner of the vehicle shall have furnished proof of financial responsibility covering the operation of any vehicle which such person may be permitted to operate. The Department shall designate the restrictions imposed pursuant to this section on that person's license.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-362.** Actions or findings of Department of Motor Vehicles and security as not constituting evidence of negligence.

Neither the action taken by the Department of Motor Vehicles pursuant to this article, the findings, if any, of the Department upon which action is based nor the security filed as provided in this article shall be referred to in any way or be any evidence of the negligence of due care of either party at the trial of any action at law to recover damages.

HISTORY: 1978 Act No. 467 Section 1.

**SECTION 56-9-363.** Forms and affidavits substantiating claims for damages; driver's license suspension hearings; appeals.

The Department of Motor Vehicles may in the administration of this article prescribe such form as it may deem necessary and require individuals to file sworn affidavits substantiating any claims for damages should the need arise. Any person whose driving privilege becomes subject to suspension or is suspended under the provisions of this article may request a contested case hearing with the Office of Motor Vehicle Hearings prior to the suspension or within thirty days after written notice of the suspension in order that he might prove that no reasonable possibility exists that a civil court might enter a judgment against him as a result of the accident in question. Any person aggrieved by the decision of the hearing officer following the hearing may file an appeal with the Administrative Law Court in accordance with its appellate rules.

HISTORY: 1978 Act No. 467 Section 1; 2006 Act No. 381, Section 9, eff June 13, 2006; 2008 Act No. 279, Section 9, eff October 1, 2008.

## ARTICLE 5

### Proof of Financial Responsibility

**SECTION 56-9-410.** Courts shall report nonpayment of judgments to Department of Motor Vehicles.

Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of court, or of the judge of a court which has no clerk, in which any judgment is rendered within this State to forward to the Department of Motor Vehicles immediately after the expiration of sixty days a certified copy of the judgment.

HISTORY: 1962 Code Section 46-735; 1952 (47) 1853.

**SECTION 56-9-420.** Report to home state of nonpayment of judgment against nonresident.

If the defendant named in any certified copy of a judgment reported to the Department of Motor Vehicles is a nonresident, the Department shall transmit a certified copy of the judgment

to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

HISTORY: 1962 Code Section 46-736; 1952 (47) 1853.

**SECTION 56-9-430.** Suspension of driver's license or privilege and registration for nonpayment of judgment; special restricted driver's licenses.

(A) The Department of Motor Vehicles upon receipt of a certified copy of judgment shall suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, except as otherwise provided in Sections 56-9-440 to 56-9-460 and 56-9-490.

(B)(1) If a person is employed or enrolled in a college or university at any time while his driver's license is suspended pursuant to this section, he may apply for a special restricted driver's license permitting him to drive only to and from work or his place of education and in the course of his employment or education during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and that he lives further than one mile from his place of employment or place of education.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the department by the licensee.

(3) The fee for each special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

HISTORY: 1962 Code Section 46-737; 1952 (47) 1853; 1999 Act No. 115, Section 9; 2001 Act No. 79, Section 2.J.

**SECTION 56-9-440.** Suspension of driver's license or privilege and registration for nonpayment of judgment; exception when judgment creditor consents.

If the judgment creditor consents in writing, in the form which the Department of Motor Vehicles may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, this may be allowed by the Department for six months from the date of the consent and thereafter until the consent is revoked in writing, notwithstanding default in the payment of the judgment or any installment thereof prescribed in Section 56-9-490, if the judgment debtor furnishes proof of financial responsibility.

HISTORY: 1962 Code Section 46-738; 1952 (47) 1853.

**SECTION 56-9-450.** Suspension of driver's license or privilege and registration for nonpayment of judgment; exception when insurance coverage proved.

Any person whose license, registration or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of this article may be relieved from the effect of the judgment as prescribed in this article by filing with the Department of Motor Vehicles an affidavit stating that at the time of the accident upon which the judgment has been rendered the affiant was insured, that the insurer is liable to pay the judgment and the reason, if known, why the insurance company has not paid the judgment. He shall also file the original policy of insurance or a certified copy thereof, if available, and other documents which the Department may require to show that the loss, injury or damage for which the judgment was rendered was covered by the policy of insurance. If the Department is satisfied from these papers that the insurer was authorized to issue the policy of insurance at the time and place of issuing the policy and that the insurer is liable to pay the judgment, at least to the extent and for the amounts required in this chapter the Department shall not suspend the license or registration or nonresident's operating privilege or if already suspended shall reinstate them.

HISTORY: 1962 Code Section 46-739; 1952 (47) 1853.

**SECTION 56-9-460.** Permitting driver subject to suspension to operate vehicle of employer.

Whenever any person whose license would otherwise have been suspended for failure to satisfy a judgment as provided in Section 56-9-430 is, or later becomes, an operator in the employ of another owner, the Department of Motor Vehicles may in its discretion, notwithstanding any provisions in this chapter to the contrary, allow such person to retain his license to operate a vehicle of another owner in the pursuit of such employment, if the employer-owner of the vehicle shall have furnished proof of financial responsibility covering the operation of any vehicle which such person may be permitted to operate. The Department shall designate the restrictions imposed pursuant to this section on that person's license.

HISTORY: 1962 Code Section 46-740; 1952 (47) 1853.

**SECTION 56-9-470.** Suspension to continue until judgment paid and financial responsibility proved; effect of discharge in bankruptcy.

The license, registration and nonresident's operating privilege shall, except as otherwise provided in Section 56-9-460, remain suspended and shall not be renewed nor shall any license or registration be thereafter issued in the name of that person, including that person if not previously licensed, until every judgment is satisfied in full or to the extent provided in Section 56-9-480 and until the person gives proof of financial responsibility, subject to the exemptions stated in Sections 56-9-440 to 56-9-460 and 56-9-490.

A discharge in bankruptcy following the rendering of any judgment shall not relieve the judgment debtor from any of the requirements of this article.

HISTORY: 1962 Code Section 46-741; 1952 (47) 1853.

**SECTION 56-9-480.** Satisfaction of judgments; payments sufficient to satisfy requirements.

Judgments referred to in this article must, for the purpose of this article only, be considered satisfied:

(1) when twenty-five thousand dollars has been credited upon any judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) when, subject to the limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) when twenty-five thousand dollars has been credited upon any judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident must be credited in reduction of the amounts provided for in this section.

HISTORY: 1962 Code Section 46-742; 1952 (47) 1853; 1959 (51) 567; 1987 Act No. 155, Section 7; 2013 Act No. 47, Section 4, eff January 1, 2014.

**SECTION 56-9-490.** Installment payment of judgment; effect of default.

A judgment debtor upon due notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may order and fix the amounts and times of payment of the installments.

The Department of Motor Vehicles shall not suspend a license, registration or nonresident's operating privilege and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of the judgment in installments and while the payment of any installment is not in default.

In the event the judgment debtor fails to pay any installment as specified by the order, then upon notice of the default the Department shall suspend the license, registration or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this article.

HISTORY: 1962 Code Section 46-743; 1952 (47) 1853.

**SECTION 56-9-500.** Suspension of registration upon suspension or revocation of license; continuation of suspensions until financial responsibility proved.

Whenever the Department of Motor Vehicles, under any law of this State, suspends or revokes the license of any person upon receiving a record of conviction or forfeiture of bail and in all cases where the Department suspends or revokes the driver's license of any person under lawful authority possessed by the Department, except in those cases provided for in Section 56-1-270, in which case the license only shall be suspended and not the registration, the Department shall also suspend the registration for all motor vehicles registered in the name of that person, except that it shall not suspend the registration, unless otherwise required by law, if that person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by him. The license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any

license be thereafter issued to that person nor shall any motor vehicle be thereafter registered in the name of that person until permitted under the motor vehicle laws of this State and not then until he shall give and thereafter maintain proof of financial responsibility.

When such responsibility is provided for under the provisions of Section 56-9-550, certification shall be furnished by the insurance company to the Department within fifteen days.

HISTORY: 1962 Code Section 46-744; 1952 (47) 1853; 1958 (50) 1662; 1962 (52) 1975; 1974 (58) 2718.

**SECTION 56-9-505.** Waiver of financial responsibility requirements upon proof of payment of property tax.

An individual whose driver's license or motor vehicle registration has been suspended for failure to pay property taxes may request that the Department of Motor Vehicle waive the financial responsibility requirements provided for in Chapter 9 of Title 56, upon providing proof to the department that such taxes have been paid.

HISTORY: 1996 Act No. 459, Section 217.

**SECTION 56-9-510.** Suspension or revocation of nonresident's operating privilege upon conviction to continue until financial responsibility proved.

Whenever the Department of Motor Vehicles suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, this privilege shall remain suspended or revoked unless that person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

HISTORY: 1962 Code Section 46-745; 1952 (47) 1853.

**SECTION 56-9-520.** Denial of license or registration upon certain convictions until financial responsibility proved.

If a person is not licensed but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, for operating a motor vehicle upon the highways without being licensed to do so or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to that person and no motor vehicle shall continue to be registered or thereafter be registered in his name until he shall give and thereafter maintain proof of financial responsibility.

HISTORY: 1962 Code Section 46-746; 1952 (47) 1853.

**SECTION 56-9-530.** Special exception for certain first convictions for driving without driver's license.

Notwithstanding any provision of law to the contrary, any person who has never been issued a license to operate a motor vehicle on the highways of the State of South Carolina and who has been convicted one time of operating a motor vehicle on the highways of the State without a license while driving an insured vehicle shall not, by reason of that fact alone, be required to prove financial responsibility.

In addition, any person who has his driving privilege revoked pursuant to Section 56-1-510 is not, by reason of that fact alone, required to furnish proof of financial responsibility.

HISTORY: 1962 Code Section 46-746.1; 1963 (53) 501; 1988 Act No. 559, Section 2.

**SECTION 56-9-540.** Methods of proving financial responsibility.

Proof of financial responsibility when required under this chapter may be given by filing:

- (1) A certificate of insurance as provided in Section 56-9-550 or Section 56-9-560;
- (2) A bond as provided in Section 56-9-570; or
- (3) A certificate of deposit of money or securities as provided in Section 56-9-580.

HISTORY: 1962 Code Section 46-747; 1952 (47) 1853.

**SECTION 56-9-550.** Certificate or notice of insurance as proof; contents, terms, and cancellation.

Proof of financial responsibility may be furnished by filing with the Department of Motor Vehicles the written certificate or notice by magnetic or electronic media in a manner satisfactory to the department of any insurance carrier authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate or notice shall give the date of the motor vehicle liability policy, which must be the same as the effective date of the certificate or notice and shall designate by explicit description or by appropriate reference all motor vehicles covered, unless the policy is issued to a person who is not the owner of a motor vehicle. The policy must be written for a minimum term of six months. A certificate or notice of insurance shall remain in full force and effect for a period of at least ninety days unless the certificate or notice is canceled by the insurance company for some reason other than nonpayment of premium. Should a certificate or notice of insurance be canceled after ninety days for nonpayment of premium, the insurance company issuing the certificate or notice immediately shall notify the department that the reason for cancellation is for nonpayment of premium. Should a certificate or notice of insurance be canceled for any reason other than for nonpayment of premium, the insurance company issuing the certificate or notice immediately shall notify the department that the cancellation is not for nonpayment of premium. The department may refuse acceptance of the certificate or notice of insurance required under this section if the certificate or notice is filed:

- (1) by an agent or company found to be in violation of any of the provisions of this chapter; or
- (2) for a person who previously has had a certificate or notice canceled for nonpayment of premium, unless the policy under which the certificate or notice is issued is certified to be noncancellable for a period of one year for nonpayment of premium.

No motor vehicle may be or may continue to be registered in the name of a person required to file proof of financial responsibility unless the motor vehicle is designated in the certificate or notice.

HISTORY: 1962 Code Section 46-748; 1952 (47) 1853; 1959 (51) 567; 1977 Act No. 80 Section 3; 1992 Act No. 427, Section 1.

**SECTION 56-9-560.** Certificate of insurance as proof; certificate furnished by nonresident; effect of default by unauthorized insurer.

The nonresident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Department of Motor Vehicles written certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in the certificate is registered or, if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms with the provisions of this chapter, and the Department shall accept it upon condition that the insurance carrier complies with the following provisions with respect to the policies certified:

(1) The insurance carrier shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State; and

(2) The insurance carrier shall agree in writing that the policies shall be construed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued in this State.

If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any of these undertakings or agreements, the Department shall not thereafter accept as proof any certificate of that carrier whether formerly filed or thereafter tendered as proof, so long as the default continues.

HISTORY: 1962 Code Section 46-749; 1952 (47) 1853.

**SECTION 56-9-570.** Bond as proof; qualifications of sureties; bond as lien on real estate of individual sureties; action on bond.

Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this State or a bond with at least two individual sureties, each owning real estate within this State and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, which bond shall be conditioned for payment of the amounts specified in item (13) of Section 56-9-20. The bond shall be filed with the Department of Motor Vehicles and shall not be cancelable except after ten days' written notice to the Department. The bond shall constitute a lien in favor of the State upon the real estate scheduled of any surety. Such lien shall exist in favor of any holder of a final judgment against the person who has filed the bond for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the bond was filed, upon the filing of notice to that effect by the Department in the office of the proper clerk of court of the county or city where the real estate shall be located. Any surety scheduling real estate security shall furnish satisfactory evidence of title and the nature and extent of all encumbrances thereon and the value of the surety's interest therein in the manner which the judge of the court of record may require. The notice filed by the Department shall, in addition to other matters which are considered to be pertinent by the Department, contain a legal description of the real estate scheduled, the name of the holder of the record title, the amount for which it stands as security and the name of the person in whose behalf proof is being made. Upon the filing of the notice, the clerk of court shall retain it as part of the records

of the court and shall enter upon the record the date and hour of filing, the name of the surety, the name of the titleholder of record, the description of the real estate and a notation that a lien is charged on the real estate pursuant to the notice filed under this section.

If a judgment rendered against the principal on the bond shall not be satisfied within sixty days after it has become final, the judgment creditor may for his own use and benefit and at his sole expense bring an action in the name of the State against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who executed the bond. An action to foreclose any lien upon real estate scheduled by any surety under the provisions of this section shall be brought in the same manner as is provided for the foreclosure of real estate mortgages in this State.

HISTORY: 1962 Code Section 46-750; 1952 (47) 1853.

**SECTION 56-9-580.** Certificate of deposit of cash or securities as proof; amount; deposit held to satisfy judgment.

Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him thirty-five thousand dollars in cash or securities such as may legally be purchased by savings banks or for trust funds of a market value of thirty-five thousand dollars. The State Treasurer may not accept the deposit and issue a certificate therefor and the Department of Motor Vehicles may not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

The deposit must be held by the State Treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person making the deposit for damages, including damage for care and loss of service, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the deposit was made. Money or securities deposited are not subject to attachment or execution unless the attachment or execution arises out of a suit for damages which this chapter covers.

HISTORY: 1962 Code Section 46-750.1; 1952 (47) 1853; 1960 (51) 1584; 1977 Act No. 80 Section 4; 1987 Act No. 155, Section 8.

**SECTION 56-9-590.** Owner may give proof for employee or member of household; restrictions on license.

Whenever any person required to give proof of financial responsibility under this chapter is, or later becomes, an operator in the employ of any owner or is, or later becomes, a member of the immediate family or household of the owner, the Department of Motor Vehicles shall accept proof given by the owner in lieu of proof by the other person to permit that person to operate a motor vehicle for which the owner has given proof as provided in this chapter. The Department shall designate the restrictions imposed by this section on that person's license.

HISTORY: 1962 Code Section 46-750.2; 1952 (47) 1853.

**SECTION 56-9-600.** Substitution of other adequate proof.

The Department of Motor Vehicles shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return the money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

HISTORY: 1962 Code Section 46-750.3; 1952 (47) 1853.

**SECTION 56-9-610.** Other proof may be required; suspension pending filing of proof.

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the Department of Motor Vehicles shall require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of other proof.

HISTORY: 1962 Code Section 46-750.4; 1952 (47) 1853.

**SECTION 56-9-620.** Cancellation or return of proof; waiver of requirements of filing proof.

The Department of Motor Vehicles shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three years from the date the proof was required when, during the three year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating or registration privilege of the person by or for whom the proof was furnished;

(2) In the event of the death of the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) In the event the person who has given proof surrenders his license and registration to the Department;

Provided, however, the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by the proof is then pending or any judgment upon this liability is then unsatisfied or in the event the person who has filed the bond or deposited the money or securities has, within one year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of these facts or that he has been released from all of his liability or has been finally adjudicated not to be liable for the injury or damage shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

HISTORY: 1962 Code Section 46-750.5; 1952 (47) 1853; 1959 (51) 567; 1978 Act No. 467 Section 2.

**SECTION 56-9-630.** Re-establishment of cancelled or returned proof.

Whenever any person whose proof has been cancelled or returned under item (3) of Section 56-9-620 applies for a license or registration within a period of three years from the date proof

was originally required, this application shall be refused unless the applicant shall re-establish the proof for the remainder of the three year period.

HISTORY: 1962 Code Section 46-750.6; 1952 (47) 1853; 1959 (51) 567; 1963 (53) 501.

CHAPTER 10  
Motor Vehicle Registration and Financial Security

ARTICLE 1  
Vehicle Financial Security and Other Matters

**SECTION 56-10-10.** Security required on registered vehicles.

Every owner of a motor vehicle required to be registered in this State shall maintain the security required by Section 56-10-20 with respect to each motor vehicle owned by him throughout the period the registration is in effect. No certificate of registration may be issued or transferred to an owner by the director of the Department of Motor Vehicles unless the owner or prospective owner produces satisfactory evidence that the security is in effect, including the name of the owner's automobile liability insurer, and his signed statement, subject to this state's perjury statutes, that insurance is in place as required by this section.

HISTORY: Former 1976 Code Section 56-11-190 [1962 Code Section 46-750.110; 1974 (58) 2718; Am, 1987 Act No. 166, Section 19] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-10 by 1987 Act No. 155, Section 9; 1993 Act No. 181, Section 1473; 1994 Act No. 497, Part II, Section 121K; 1996 Act No. 459, Section 218.

**SECTION 56-10-20.** Type of security required.

The security required under this chapter is a policy or policies written by insurers authorized to write such policies in South Carolina providing for at least (1) the minimum coverages specified in Sections 38-77-140 through 38-77-230 and (2) the benefits required under Sections 38-77-240, 38-77-250, and 38-77-260. However, the director or his designee may approve and accept another form of security in lieu of such a liability insurance policy if he finds that such other form of security is adequate to provide and does in fact provide the benefits required by this chapter.

HISTORY: Former 1976 Code Section 56-11-200 [1962 Code Section 46-750.120; 1974 (58)2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-20 by 1987 Act No. 155, Section 9; 1993 Act No. 181, Section 1474; 1996 Act No. 459, Section 219.

**SECTION 56-10-30.** Automatic suspension of registration upon lapse or termination of security.

If at any time the security required of any person under Section 56-10-20 lapses or terminates, the certificate of registration of the motor vehicle for which the security was in effect and the owner's driving privileges are, as of the date the security lapses or terminates, automatically suspended and must remain suspended until the security is replaced.

HISTORY: Former 1976 Code Section 56-11-210 [1962 Code Section 46-750.121; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-30 by 1987 Act No. 155, Section 9; 2004 Act No. 241, Section 1.

**SECTION 56-10-40.** Providers of insurance or security to notify Department of Motor Vehicles of termination or lapse; notice to person holding registration.

Every insurer writing automobile liability insurance in this State and every provider of other security approved and accepted by the director or his designee in lieu of such insurance shall notify the Department of Motor Vehicles in a manner prescribed by regulation of the lapse or termination of any such insurance or security and shall notify the department of compliance transactions required of vehicle owners under Section 56-10-650 as prescribed by regulation. These notifications must be made in a manner prescribed by the working group.

Upon receipt of any such notice of lapse or termination the department shall make a reasonable effort to notify the person that his certificate of registration and driving privileges have been suspended and shall recover the certificate from such person and the motor vehicle plate from the vehicle concerned.

HISTORY: Former 1976 Code Section 56-11-220 [1962 Code Section 46-750.122; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-40 by 1987 Act No. 155, Section 9; 1993 Act No. 181, Section 1475; 1996 Act No. 459, Section 220; 2002 Act No. 324, Section 5; 2004 Act No. 241, Section 2.

Code Commissioner's Note

2002 Act No. 324, Section 12, provides as follows:

"This act takes effect July 1, 2002; provided, however, that Section 56-10-650 and Sections 5, 6, and 9 are effective one hundred eighty days after the latter of certification by the department to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the program has been implemented and is fully prepared to accept data transmitted by the insurers or publication of final regulations by the department."

**SECTION 56-10-45.** Confiscation of registration certificates and license plates.

(A) The Department of Public Safety and the Department of Motor Vehicles each may enter into agreements with other municipal and county law enforcement agencies for the collection of suspended or revoked drivers' licenses, motor vehicle registrations, and motor vehicle plates. The contracting department must assess a fifty dollar fine for each item recovered pursuant to this section in addition to any other fines assessed. Upon collection, this fine must be returned on a quarterly basis to the general fund of the municipality or county which initiated the enforcement action.

(B) All motor vehicle registration certificates, motor vehicle plates, and drivers' licenses confiscated or seized pursuant to this section must be returned to the Department of Motor Vehicles within fifteen days.

(C) The Department of Motor Vehicles shall collect and keep the reinstatement fee as provided in Section 56-10-240 and the per diem fine as provided in Section 56-10-245 upon the reinstatement of tags confiscated by local law enforcement agencies pursuant to this section. Fines collected pursuant to Section 56-10-240, referring to the monetary penalty of a person who is guilty of a misdemeanor for wilful failure to return his motor vehicle license plates and registration, must be paid to the governing body of the local law enforcement agency

confiscating the tags and deposited in the general fund of the local governing body. The director or his designee shall monthly provide information to local law enforcement agencies, upon request of the local law enforcement agency, on uninsured vehicles.

HISTORY: 1989 Act No. 148, Section 48; 1993 Act No. 113, Section 3; 1993 Act No. 181, Section 1476; 1996 Act No. 459, Section 221.

**SECTION 56-10-46.** Enhanced proof of insurance requests following lapse or termination.

A person responding to the notice contained in Section 56-10-40 who purchased insurance after receiving the notice shall have his motor vehicle record noted to indicate that he will be subject to regular requests for proof of insurance from the Department of Motor Vehicles. The person shall be required to provide proof of coverage as prescribed by regulation every seven months for a period of three years.

HISTORY: 2002 Act No. 324, Section 7.

**SECTION 56-10-50.** Suspension of registration not to affect title to vehicle.

No suspension of a certificate of registration hereunder affects the status of title to the motor vehicle or any property rights in such motor vehicle, but the provisions of Section 56-3-110 are applicable with respect to the operation of such motor vehicle.

HISTORY: Former 1976 Code Section 56-11-230 [1962 Code Section 46-750.123; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-50 by 1987 Act No. 155, Section 9.

### ARTICLE 3

#### Insurance Requirements Relating to Motor Vehicle Registration

**SECTION 56-10-210.** Definitions.

As used in this article:

(1) The term “insured motor vehicle” means a motor vehicle as to which there is maintained the security required by Section 56-10-20.

(2) The term “operator” means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) [Deleted]

HISTORY: Former 1976 Code Section 56-11-710 [1962 Code Section 46-750.145; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-210 by 1987 Act No. 155, Section 9; 1993 Act No. 181, Section 1477; 1996 Act No. 459, Section 246A.

**SECTION 56-10-220.** Requirement that vehicle sought to be registered be insured; proof; regulations.

Every person applying for registration for a motor vehicle shall at the time of such registration and licensing declare the vehicle to be an insured motor vehicle under the penalty set forth in Section 56-10-260 and shall execute and furnish to the Department of Motor Vehicles his

certificate that such motor vehicle is an insured motor vehicle, and that he will maintain insurance thereon during the registration period. The certificate must be in the form prescribed by the department with input from the Department of Insurance and the working group. The department may require any registered owner or any applicant for registration and licensing of a motor vehicle declared to be an insured motor vehicle to submit a certificate of insurance executed by an authorized agent or representative of an insurance company authorized to do business in this State. Such certificate must also be in a form prescribed by the department with input from the Department of Insurance and the working group. The Department of Motor Vehicles with input from the Department of Insurance and the working group may promulgate a regulation to require proof of insurance on new and renewal registrations which may be submitted on behalf of the applicant by the agent or insurer in a manner acceptable to the Department of Motor Vehicles.

**HISTORY:** Former 1976 Code Section 56-11-720 [1962 Code Section 46-750.146; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-220 by 1987 Act No. 155, Section 9; 1993 Act No. 181, Section 1478; 1996 Act No. 459, Section 222; 2004 Act No. 241, Section 3.

**SECTION 56-10-225.** Proof of insurance and financial responsibility in vehicle; penalties.

(A) A person whose application for registration and licensing of a motor vehicle has been approved by the Department of Motor Vehicles must maintain in the motor vehicle at all times proof that the motor vehicle is an insured vehicle in conformity with the laws of this State and Section 56-10-510.

(B) The owner of a motor vehicle must maintain proof of financial responsibility in the motor vehicle at all times, and it must be displayed upon demand of a police officer or any other person duly authorized by law. Evidence of financial responsibility may be provided by use of a mobile electronic device in a format issued by an automobile insurer. This section does not require that an automobile insurer issue verification concerning the existence of coverage it provides an insured in an electronic format. Information contained or stored in a mobile electronic device presented pursuant to this subsection is not subject to a search by a law enforcement officer except pursuant to the provisions of Section 17-13-140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the lawful owner of the device.

(C) A person who fails to maintain the proof of insurance in his motor vehicle as required by subsection (A) is guilty of a misdemeanor and, upon conviction, is subject to the same punishment as provided by law for failure of the person driving or in control of a motor vehicle to carry the vehicle registration card and to display the registration card upon demand. However, a charge of failing to maintain proof that a motor vehicle is insured must be dismissed if the person provides proof to the court that the motor vehicle was insured on the date of the violation. Upon notice of conviction, the department shall suspend the owner's driver's license until satisfactory proof of insurance is provided. If at any time the department determines that the vehicle was without insurance coverage, the owner's registration and driving privileges will be suspended pursuant to Section 56-10-520.

HISTORY: 1997 Act No. 154, Section 22; 1999 Act No. 100, Part II, Section 103B; 2001 Act No. 90, Section 2; 2002 Act No. 324, Section 3; 2014 Act No. 128 (H.3623), Section 2, eff March 4, 2014.

**SECTION 56-10-230.** Notice of termination of insurance.

Prior to the termination of insurance by cancellation or refusal to renew by the insurer notice thereof must be given as required by Sections 38-77-110 and 38-77-120.

HISTORY: Former 1976 Code Section 56-11-730 [1962 Code Section 46-750.147; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-230 by 1987 Act No. 155, Section 9.

**SECTION 56-10-240.** Requirement that upon loss of insurance, insured obtain new insurance or surrender registration and plates; written notice by insurer; suspension of registration and plates; appeal of suspension; enforcement; penalties.

(A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or within five days after the effective date of cancellation or expiration of his liability insurance policy surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

(B) The Department of Motor Vehicles, in its discretion, may authorize insurers to utilize alternative methods of providing notice of cancellation, refusal to renew, new policies written, and renewals to the department. The department may not reissue a registration certificate and license plate for that vehicle until satisfactory evidence has been filed by the owner or by the insurer who gave the cancellation or refusal to renew notice to the department that the vehicle is insured. Upon receiving information to the effect that a policy is canceled or otherwise terminated on a motor vehicle registered in South Carolina, the department shall suspend the owner's driving privileges, license plate, and registration certificate and shall initiate action as required within fifteen days of the notice of cancellation to pick up the license plate and registration certificate. A person who has had his driving privileges, vehicle license plate, and registration certificate suspended by the department, but who at the time of suspension possesses liability insurance coverage sufficient to meet the financial responsibility requirements as set forth in this chapter, has the right to appeal the suspension immediately to the Director of the Department of Insurance. If the Director of the Department of Insurance determines that the person has sufficient liability insurance coverage, he shall notify the department and the suspension is voided immediately. The department shall give notice by first class mail of the cancellation or suspension of driving and registration privileges to the vehicle owner at his last known address.

(C) If the vehicle owner unlawfully refuses to surrender the suspended items as required in this article, the department through its designated agents or by request to a county or municipal law enforcement agency shall take possession of the suspended license plates and registration certificates and may not reissue the registration until proper proof of liability insurance coverage is provided and until the owner has paid a reinstatement fee of two hundred dollars. A person who voluntarily surrenders his license plates and registration certificates before their suspension shall not be charged a reinstatement fee. Revenue generated by the fee imposed pursuant to this

section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(D) A person wilfully failing to return his motor vehicle license plates and registration certificates as required in this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for thirty days;

(2) for a second offense fined two hundred dollars or imprisoned for thirty days, or both;

(3) for a third and subsequent offense imprisoned for not less than forty- five days nor more than six months.

(E) Only convictions which occurred within ten years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section.

**HISTORY:** Former 1976 code Section 56-11-740 [1962 Code Section 46-750.148; 1974 (58) 2718; Am, 1977 Act No. 80, Section 6] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-240 by 1987 Act No. 155, Section 9; Am, 1988 Act No. 532, Section 21; 1988 Act No. 671, Section 1; 1989 Act No. 148, Section 4; 1993 Act No. 181, Section 1479; 1996 Act No. 459, Section 223; 2001 Act No. 82, Section 34; 2002 Act No. 324, Section 6; 2004 Act No. 241, Section 4; 2016 Act No. 275 (S.1258), Section 78, eff July 1, 2016.

Code Commissioner's Note

2002 Act No. 324, Section 12, provides as follows:

“This act takes effect July 1, 2002; provided, however, that Section 56-10-650 and Sections 5, 6, and 9 are effective one hundred eighty days after the latter of certification by the department to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the program has been implemented and is fully prepared to accept data transmitted by the insurers or publication of final regulations by the department.”

**SECTION 56-10-245.** Per diem fine for lapse in required coverage.

Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56-10-240 of the 1976 Code must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician's statement. The total amount of the fine provided for in this section may not exceed two hundred dollars for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

HISTORY: 1989 Act No. 148, Section 36; 1990 Act No. 324, Section 1; 1993 Act No. 181, Section 1480; 2016 Act No. 275 (S.1258), Section 79, eff July 1, 2016.

**SECTION 56-10-250.** Unlawful to sell vehicle with suspended registration to family member.

It is unlawful for any vehicle owner to sell or otherwise dispose of any motor vehicle, for which the registration and license plates have been suspended, to any member of his family residing in the same household. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, be fined two hundred dollars or imprisoned for thirty days, or both, and for a third and subsequent offenses must be imprisoned for not less than forty-five days nor more than six months. Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section.

HISTORY: Former 1976 Code Section 56-11-750 [1962 Code Section 46-750.149; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-250 by 1987 Act No. 155, Section 9; Am, 1988 Act No. 532, Section 24.

**SECTION 56-10-260.** False certificate or false evidence of insurance; penalties; special restricted driver's licenses.

(A) Any person who knowingly makes a false certificate as to whether a motor vehicle is an insured motor vehicle or presents to the Department of Motor Vehicles false evidence that any motor vehicle sought to be registered is insured is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, be fined two hundred dollars or imprisoned for thirty days, or both, and for a third or subsequent offense must be imprisoned for not less than forty-five days nor more than six months. Only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this section. The department shall deny, for a period of six months, registration of any motor vehicle for which a false certificate or false evidence is presented that the vehicle is insured and shall revoke, and may not thereafter reissue for a period of six months, the driver's license of any person making a false certificate or offering false evidence, and then only when all other provisions of law have been complied with by that person.

(B)(1) If a person is employed or enrolled in a college or university at any time while his driver's license is suspended pursuant to this section, he may apply for a special restricted driver's license permitting him to drive only to and from work or his place of education and in the course of his employment or education during the period of suspension. The department may issue the special restricted driver's license only upon a showing by the person that he is employed or enrolled in a college or university, and that he lives further than one mile from his place of employment or place of education. The department may not issue the special restricted driver's license until proof of financial responsibility has been filed.

(2) If the department issues a special restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A change in the employment hours, place of employment, status as a student, or residence must be reported immediately to the department by the licensee.

(3) The fee for each special restricted driver's license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee, twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(4) The operation of a motor vehicle outside the time limits and route imposed by a special restricted license by the person issued that license is a violation of Section 56-1-460.

**HISTORY:** Former 1976 Code Section 56-11-760 [1962 Code Section 46-750.151; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-260 by 1987 Act No. 155, Section 9; Am, 1988 Act No. 532, Section 22; 1999 Act No. 115, Section 10; 2001 Act No. 79, Section 2.K; 2016 Act No. 275 (S.1258), Section 80, eff July 1, 2016.

**SECTION 56-10-280.** Insurance not to be issued for period less than six months; contract or policy valid for at least sixty days; cancellation within sixty days.

(A) Contracts or policies of insurance issued to meet the financial responsibility requirements prescribed in this chapter must be issued for not less than six months. A contract or policy of insurance remains in effect at least sixty days notwithstanding a power of attorney which may purport to give the attorney-in-fact the right to effect cancellation on behalf of the insured. However, a contract or policy may be canceled within the first sixty days only under one or more of the following circumstances:

(1) a check or bank draft tendered by the insured for payment to an agent, an insurance company, or a premium finance company is returned unpaid for insufficient funds or other reason by the insured's financial institution. If the check or draft is an initial payment made by an applicant for insurance or a payment made by an insured to renew a policy, the cancellation is effective as of the policy inception or renewal date;

(2) the insured produces satisfactory proof from the Department of Motor Vehicles that he has sold or otherwise disposed of the insured vehicle or surrendered its tags and registration;

(3) the insured has secured another policy that meets the financial responsibility requirements prescribed in this chapter;

(4) the insured fails to pay when due the premium for the policy, an installment of the premium, or an installment payment under a premium service contract. The contract or policy of insurance must remain in effect for at least thirty days.

(B) This section does not prohibit refunds to the insured for cancellations after sixty days resulting from causes other than nonpayment of premium. Where an insurance company or premium finance company cancels a contract or policy pursuant to this section for nonpayment of premium under the circumstances in subsection (A) which occurs within the first sixty days, the insurance company, premium finance company, or agent may charge and collect a fifteen-dollar penalty in addition to that otherwise provided by law, and the penalty charge is not a premium charge.

**HISTORY:** Former 1976 Code Section 56-11-780 [1962 Code Section 46-750.154; 1974 (58) 2718] repealed by 1987 Act No. 155, Section 25, and recodified as Section 56-10-280 by 1987 Act No. 155, Section 9; Am, 1989 Act No. 148, Section 20; 1991 Act No. 146, Section 2; 1993 Act No. 181, Section 1481; 2001 Act No. 82, Section 35; 2006 Act No. 315, Section 1, eff August 1, 2006.

ARTICLE 5  
Establishment of Uninsured Motorist Fund

**SECTION 56-10-510.** Registration of uninsured motor vehicle; fee; use of fee; certificate of insurance; penalties for failure to submit certificate of insurance.

In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in Section 56-9-20, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of five hundred and fifty dollars. Notwithstanding any other provision of law, fifty dollars of the uninsured motor vehicle fee is nonrefundable and is directed to be paid to the South Carolina Reinsurance Facility for the recoupment of assessments or losses of the South Carolina Reinsurance Facility pursuant to Section 56-10-554 until otherwise ordered by the director of the Department of Insurance. However, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee exclusive of any nonrefundable portion must be prorated to conform to the registration period. This uninsured motor vehicle fee shall be increased annually based upon and in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. The director of the Department of Insurance, by annual order, will set this exact fee. The application for registering an uninsured vehicle must have the following statements printed on or attached to the first page of the form, boldface, twelve point type: "THIS \$550 FEE IS NOT AN INSURANCE PREMIUM AND YOU ARE NOT PURCHASING ANY INSURANCE BY PAYING THIS FEE. THIS \$550 UNINSURED MOTORIST FEE IS FOR THE PRIVILEGE TO DRIVE AND OPERATE AN UNINSURED MOTOR VEHICLE ON THE SOUTH CAROLINA ROADS." This uninsured motorist notice required by this section must also be given to the person registering an uninsured motor vehicle. The director shall prescribe the exact format of this notice by regulation and shall adjust the amount of this fee annually as part of the order by the director of the Department of Insurance adjusting the uninsured motorist fee in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle, under the penalties set forth in Section 56-10-520, shall execute and furnish to the director his certificate that the motor vehicle is an insured motor vehicle as defined by the laws of this State, or that the director has issued to its owner, in accordance with Section 56-9-60, a certificate of self-insurance applicable to the vehicle sought to be registered. The director, or his designee, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured to submit a certificate of insurance on a form prescribed by the director. The director must forward the certificate of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether the policy or bond named in the certificate is currently in force. At that time, and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company must cause to be filed with the director a written notice if the policy or bond was not applicable as to the named insured. The director must prescribe the manner in which the written notice must be made. The refusal or neglect of any owner within thirty days to submit the certificate of insurance when required by the director or his designee or the notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, must require the director to suspend any driver's license

and all registration certificates and license plates issued to the owner of the motor vehicle until the person:

(1) has paid to the director of the Department of Motor Vehicles a fee of three hundred dollars to be disposed of as provided for in Sections 56-10-550 and 56-10-552 with respect to the motor vehicle determined to be uninsured; and

(2) furnishes proof of financial responsibility for the future in the manner prescribed in Section 56-10-10, et seq. of this chapter. An order of suspension required by this section is not effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for hearing must be included in the order of suspension. When three years have elapsed from the effective date of the suspension required in this section, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. If the director determines that the fee applicable to the registration of an uninsured motor vehicle has been paid on the vehicle in question on or before the date that the insurance certificate was requested, no suspension action must be taken. The director shall suspend the driver's license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of Section 56-10-520, but the director shall dispense with the suspension when the person is convicted for a violation of Section 56-10-520 and the Department of Motor Vehicle's records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner before the date and time of the alleged offense.

HISTORY: 1997 Act No. 154, Section 2; 2008 Act No. 279, Section 10, eff October 1, 2008.

**SECTION 56-10-520.** Operating or permitting operation of motor vehicle without first paying uninsured motor vehicle fee; misdemeanor violation; record of conviction for violations of this section; suspension of license, registration certificates, and license plates.

A person who owns an uninsured motor vehicle:

- (1) licensed in the State; or
- (2) subject to registration in the State;

who operates or permits the operation of that motor vehicle without first having paid to the director the uninsured motor vehicle fee required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.

A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must: for a first offense be fined no less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days; for a second offense be fined two hundred dollars or imprisoned for thirty days, or both; or for a third or subsequent offense must be imprisoned for not less than forty-five days nor more than six months. Only convictions which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56-10-510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56-10-510 as to such motor vehicle, to furnish such certificate must be prima facie

evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56-10-260.

Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56-9-330. The director shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56-10-510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person. The director shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension.

HISTORY: 1997 Act No. 154, Section 2; 2002 Act No. 324, Section 4.

**SECTION 56-10-530.** Involvement in accident resulting in death, injury, or property damage when uninsured motor vehicle fee unpaid; suspension of driver's license, license plates and registration certificates; contested case hearing.

When it appears to the director from the records of his office that an uninsured motor vehicle as defined in Section 56-9-20, subject to registration in the State, is involved in a reportable accident in the State resulting in death, injury, or property damage with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee as prescribed in Section 56-10-510, the director shall, in addition to enforcing the applicable provisions of Section 56-10-10, et seq. of this chapter, suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with those provisions of law and has paid to the director of the Department of Motor Vehicles a reinstatement fee as provided by Section 56-10-510, to be disposed of as provided by Section 56-10-550, with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility in the manner prescribed in Section 56-9-350, et seq. However, no order of suspension required by this section must become effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for a contested case hearing must be included

in the order of suspension. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the effective date of the suspension herein required, the director may relieve such person of the requirement of furnishing proof of future financial responsibility. The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined or, presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the department before the date and time of the accident, is sufficient bar to the suspension provided for in this section.

HISTORY: 1997 Act No. 154, Section 2; 2008 Act No. 279, Section 11, eff October 1, 2008.

**SECTION 56-10-535.** Conviction of certain traffic violations; requirement of furnishing proof of financial responsibility.

The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.

However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such person of the requirement of furnishing proof of future financial responsibility.

HISTORY: 1997 Act No. 154, Section 2.

**SECTION 56-10-540.** Other proof of financial responsibility; suspension and return of driver's license, registration, certificates, and license plates and decals.

Whenever any proof of financial responsibility filed by any person as required by this chapter no longer fulfills the purpose for which required, the director shall require other proof of financial responsibility as required by this chapter and shall suspend such person's driver's

license, registration, certificates, and license plates and decals pending the furnishing of proof in a manner prescribed by the director. Notice of such suspension shall be made in the form provided for in Section 56-1-465.

A person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this chapter and have not been reinstated shall immediately return every such license, registration certificate, and set of license plates and decals held by him to the director. A person failing to comply with this requirement shall be guilty of a traffic infraction and, upon conviction, shall be punished as provided in Section 56-9-310, et seq.

HISTORY: 1997 Act No. 154, Section 2.

**SECTION 56-10-550.** Deposit of funds collected in Uninsured Motorists Fund.

Except as provided in Sections 56-10-552 and 56-10-554, funds collected by the director of the Department of Motor Vehicles under the provisions of this chapter must be placed on deposit with the State Treasurer and held in a special fund to be known as the "Uninsured Motorists Fund" to be disbursed as provided by law. The director of the Department of Insurance as provided in Sections 38-77-151 and 38-77-154 may expend monies from such funds for the administration of Title 38.

HISTORY: 1997 Act No. 154, Section 2.

**SECTION 56-10-551.** Cancellation or termination of insurance policy certified under this chapter; notice to director.

When any insurance policy certified under this chapter is canceled or terminated, the insurer shall report the fact to the director within fifteen days after the cancellation on a form prescribed by the director.

HISTORY: 1997 Act No. 154, Section 2.

**SECTION 56-10-552.** Uninsured Enforcement Fund; use of reinstatement fee.

(A) For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38-73-470, one dollar and twenty cents must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The remaining eighty cents must be placed in a special fund, to be known as the "Uninsured Enforcement Fund", to be used by the Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56-10-510(1) must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56-10-510 must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56-10-550, 38-77-151, and 38-77-154.

HISTORY: 1997 Act No. 154, Section 2; 2012 Act No. 264, Section 6, eff June 18, 2012; 2016 Act No. 275 (S.1258), Section 81, eff July 1, 2016.

**SECTION 56-10-553.** Collection data and maintenance of statistics.

The Department of Motor Vehicles must collect data and maintain statistics on the total number of vehicles registered in the State as of June thirtieth of each year, the number of motorists who voluntarily paid the five hundred fifty dollar fee at the time of registration during the fiscal year, the number of motorists who paid the penalty fee after being detected by the Department of Motor Vehicles as being uninsured during the fiscal year, the number of certificates of insurance filed during the fiscal year, the net revenue collections for these fees by the fiscal year, the net funds available in the Uninsured Motorist Fund, and the net funds received from the Department of Insurance from the uninsured motorist fee during the fiscal year.

The Department of Motor Vehicles must provide an annual report to the General Assembly and the Department of Insurance containing the information required in this section.

HISTORY: 1997 Act No. 154, Section 2; 2002 Act No. 324, Section 2.

**SECTION 56-10-554.** Recoupment Fund; recoupment of facility assessments or losses; discontinuance of collection for recoupment of facilities losses.

As provided in Section 56-10-510, fifty dollars of the uninsured motor vehicle fee paid per vehicle is nonrefundable and must be used to recoup assessments or losses of the South Carolina Reinsurance Facility. Upon collection by the director of the Department of Motor Vehicles from any person registering an uninsured vehicle, this money must be placed by the director of the Department of Motor Vehicles on deposit with the State Treasurer to be held in a special account called the "Recoupment Fund", payable on a quarterly basis, to provide for the recoupment of facility assessments or losses. Upon final recoupment of facility losses as the South Carolina Reinsurance Facility ceases to exist, the director of the Department of Insurance shall by order (1) set the uninsured motor vehicle fee which does not include the fifty dollars dedicated for the recoupment of facility assessments or losses; (2) inform the director of the Department of Motor Vehicles that the facility assessments or losses have been recouped and when the Department of Motor Vehicles must cease collection from every person registering an uninsured motor vehicle, as well as transmittal to the State Treasurer, of this fifty dollar portion; and (3) direct the State Treasurer to transfer any used portion of the "Recoupment Fund" to the "Uninsured Motorist Fund". The director of the Department of Motor Vehicles must cease collection of this fifty dollars as part of the uninsured motor vehicle fee which has been dedicated for the recoupment of facility assessments or losses as provided in the order issued by the director of the Department of Insurance.

HISTORY: 1997 Act No. 154, Section 2.

ARTICLE 7

Motorist Insurance Database Program

**SECTION 56-10-610.** Short title.

This article may be cited as the "Motorist Insurance Database Program Act".

HISTORY: 2002 Act No. 324, Section 1.

**SECTION 56-10-615.** Information regarding cancellations; requests for proof of insurance.

The Department of Motor Vehicles shall obtain information from insurers regarding cancellations of automobile insurance policies. The department shall request proof of insurance from persons identified by the Motorist Insurance Database. A person who fails to respond to the department must be penalized as provided in Article 5 of this chapter.

HISTORY: 2002 Act No. 324, Section 8.

**SECTION 56-10-620.** Definitions.

As used in this article, unless the context otherwise requires:

(1) "Contractor" means designated agent or the party with which the Department of Motor Vehicles contracts pursuant to Section 56-10-640.

(2) "Database" means the motorist insurance database described in Section 56-10-640.

(3) "Department" means the Department of Motor Vehicles.

(4) "Division" means the Department of Motor Vehicles.

(5) "Program" means the motorist insurance database program created in Section 56-10-640.

HISTORY: 2002 Act No. 324, Section 1.

**SECTION 56-10-630.** Purpose of article.

(A) The General Assembly finds that the purpose of this article is to help reduce the uninsured motorist population in this State and to measure the effectiveness of the motorist insurance database established pursuant to this article.

(B) The General Assembly further recognizes that the information and data required to be disclosed by insurers in creating and maintaining the motorist insurance database is proprietary in nature. Accordingly, the parties handling this information and data must at all times maintain its confidential and proprietary nature.

(C) The motorist insurance database program is created for the purpose of establishing a database to use when verifying compliance with the motor vehicle financial security requirements in this chapter.

HISTORY: 2002 Act No. 324, Section 1.

**SECTION 56-10-640.** Requirement that upon loss of insurance, insured obtain new insurance or surrender registration and plates; written notice by insurer; suspension of driving privileges, license plate and registration; appeal; enforcement; penalties.

(A)(1) The motorist insurance database program shall be administered by the Department of Motor Vehicles. Pursuant to the South Carolina Consolidated Procurement Code, the department may contract with a contractor who may provide a system of transmitting data from insurance companies. The department must solicit and receive at least two bids on the contract before awarding the contract.

(2) The department shall convene a working group chaired by the director of the department or his designee for the purpose of facilitating the implementation of the program, assisting in development of regulations, and coordinating a testing phase, and necessary changes identified in this testing phase, as prescribed by the working group, and to issue recommendations based on

periodic review of the database program by the working group. The working group shall consist of five representatives of the insurance industry appointed by the Director of the Department of Insurance. The working group shall also consist of the Director of the Department of Insurance, or his designee, the Director of the Department of Motor Vehicles, or his designee, and any contractor. The working group shall issue a report to the Department of Motor Vehicles and the Department of Insurance twelve months after the program is implemented to evaluate the program's effectiveness in identifying uninsured motorists, and annually thereafter on or before October fifteenth of each year. The working group may issue recommendations for database enhancements.

(B) The Department of Motor Vehicles shall develop, in a manner prescribed by the department, a system to allow the transmission of data from insurance companies to the department.

(C) The department, with input from the Department of Insurance, and the working group shall promulgate regulations for administering and enforcing this article. The regulations shall specify the requirements that are necessary and appropriate for commercial lines of insurance, as defined in Title 38, which shall be developed with input by the Department of Insurance.

(D) The department for a fee prescribed and promulgated by regulation shall make available to insurers by subscription a monthly electronic list of newly-licensed drivers. This list must not be used for marketing, solicitation, or another purpose not specifically enumerated here. It may only be used to provide an additional method to reduce the uninsured motorist population. This monthly list of newly-licensed drivers must show the: name and gender of the driver, address, date of birth, South Carolina driver's license number, and, if available, insurance information provided in the liability certification portion of the application for a driver's license. This information may be used for:

- (1) determining if a newly-licensed driver is insured;
- (2) assigning a newly-licensed driver to the proper automobile insurance policy for rating purposes; and
- (3) ordering a motor vehicle report on a newly-licensed driver.

HISTORY: 2002 Act No. 324, Section 1; 2004 Act No. 241, Section 5.

**SECTION 56-10-650.** Suspension of owner's driving privileges and license plates of uninsured motor vehicle; notification of owner; proof of insurance.

(A) If the database indicates that a motor vehicle is not insured or if the Department of Motor Vehicles receives notification as prescribed by regulation that a vehicle may not be insured, the department shall notify the owner of the motor vehicle that he has twenty working days to provide the department with one of the following, or the owner's driving privileges and the vehicle license plates will be suspended:

- (1) proof of complying coverage in accordance with Sections 56-10-10 or 56-10-220, or of self-insurance in accordance with Section 56-9-60; or
- (2) proof of exemption from the financial security requirements.

(B) Verification in a manner prescribed by regulation from an insurer or agent verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of financial responsibility for purposes of this section.

HISTORY: 2002 Act No. 324, Section 1; 2004 Act No. 241, Section 6.

Code Commissioner's Note

2002 Act No. 324, Section 12, provides as follows:

“This act takes effect July 1, 2002; provided, however, that Section 56-10-650 and Sections 5, 6, and 9 are effective one hundred eighty days after the latter of certification by the department to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the program has been implemented and is fully prepared to accept data transmitted by the insurers or publication of final regulations by the department.”

**SECTION 56-10-660.** Database information disclosure; fee.

(A) The division, for a fee as prescribed and promulgated by regulation, shall disclose an individual's reported database information upon request by the following individuals and agencies only:

- (1) the individual;
- (2) the parent or legal guardian of an individual who is an unemancipated minor;
- (3) the legal guardian of an individual who is legally incapacitated;
- (4) a person who has power of attorney from the individual;
- (5) a person who submits a notarized release from the individual that is dated no more than ninety days before the date the request is made;
- (6) a person suffering loss or injury or against whom a claim is made for loss or injury in a motor vehicle accident in which the individual is involved, but only as part of an accident report authorized in Section 56-9-351;
- (7) a state or local government agency investigating, litigating, or enforcing the person's compliance with the financial security requirements; or
- (8) persons regulated under Title 38 of the 1976 Code for the purposes of paying or adjudicating claims and preventing fraud or abuse.

(B) The funds collected from this fee described by subsection (A) must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray its expenses.

(C) The State is not liable to any person for gathering, managing, or using information in the database pursuant to this article.

(D) No insurer is liable to any person for performing its duties under this article unless, and to the extent, the insurer commits a wilful and wanton act or omission.

(E) Insurers shall be required to pay only those actual costs attributed to the transmission to or retrieval of their records from the Department of Motor Vehicles, pursuant to regulations promulgated by the Department of Insurance. The funds collected from the insurers pursuant to this subsection must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray its expenses.

HISTORY: 2002 Act No. 324, Section 1; 2005 Act No. 164, Section 30, eff June 10, 2005.

**SECTION 56-10-670.** Scope of article.

This article shall not supersede other actions or penalties that may be taken or imposed for violation of the financial security requirements of this chapter.

HISTORY: 2002 Act No. 324, Section 1.

CHAPTER 11  
Road Tax on Motor Carriers

ARTICLE 1  
General Provisions

**SECTION 56-11-10.** Definitions.

When used in this chapter, the term “motor carrier” means every person who operates or causes to be operated on any highways in this State road tractors, truck tractors, trucks having more than two axles, or passenger vehicles designed to seat more than twenty occupants. For the purposes of this section, the federal government, the State, counties, municipalities, churches, and any agents of them, and special mobile equipment as defined in item (11) of Section 56-3-20, must not be deemed “motor carriers”.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-20.** Enforcement of motor carrier road tax provisions; International Fuel Tax Agreement (IFTA).

The Department of Motor Vehicles and the Department of Public Safety each shall enforce this chapter with respect to the possession of correct registration and display of the proper identification marker. Notwithstanding other provisions of this chapter, the department may enter into an agreement with other states in a registration and identification marker reciprocal agreement known as the International Fuel Tax Agreement (IFTA). Qualified vehicles operating in accordance with this agreement are not required to purchase other fuel markers in member states.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-30.** Applicability of other laws to administration and enforcement of motor carrier road tax.

For the purposes of administration and enforcement of this chapter, the provisions of Title 12, wherever applicable, are adopted and made a part of this chapter.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-40.** Examination of motor carrier books and records.

The Department of Motor Vehicles, the Department of Public Safety, and their agents and representatives have the right at any reasonable time to examine the books and records of any motor carrier.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-50.** Effect of operation of motor carrier in violation of chapter.

When any person is discovered in this State operating a vehicle in violation of any of the provisions of this chapter, it is unlawful for anyone thereafter to operate the vehicle on the streets or highways in this State except to remove it from the street or highway for the purpose of

parking or storing it unless and until a bond in the amount of five hundred dollars is furnished to the Department of Motor Vehicles in such form and with such surety or sureties or otherwise as it may prescribe, conditioned upon a proper registration card and identification marker being applied for within ten days and conditioned upon the payment of any taxes, penalties, or interest found to be due pursuant to this chapter.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-60.** Penalties and interest under International Fuel Tax Agreement (IFTA).

In lieu of all other penalties and interest provided by law, penalties and interest provided under the International Fuel Tax Agreement apply to all reports filed with the State as a result of the International Fuel Tax Agreement.

HISTORY: 1996 Act No. 459, Section 224.

ARTICLE 3  
Registration Card and Identification Marker

**SECTION 56-11-210.** Requirement of registration card and vehicle identification marker.

No motor carrier shall operate or cause to be operated in South Carolina any vehicle described in Section 56-11-10 until the motor carrier has secured from the Department of Motor Vehicles a registration card and an identification marker for each vehicle.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-220.** Temporary permit; requirements; Department of Motor Vehicles authority to promulgate regulations respecting temporary permits.

(A) A motor carrier having infrequent trips into and through the State may obtain a temporary permit good for one motor vehicle for ten consecutive days beginning and ending on the dates specified on the face of the permit. No reports are required of motor carriers only using temporary permits. Temporary permits may be issued in lieu of biennial registration required under this chapter and highway use taxes incurred during this period. The temporary permit must be carried in the vehicle for which it was issued at all times when the vehicle is in this State. The Department of Motor Vehicles may issue a temporary permit by facsimile message, letter, or telegram.

(B) The department may engage a person to issue the temporary permits if he receives the permits from the department. No person may issue the permits unless the permits are available to the public on a twenty-four hour basis.

(C) The department shall promulgate the regulations necessary for the proper administration of this section.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-230.** Registration card and vehicle identification application forms.

The Department of Motor Vehicles shall prepare forms for use in making applications for registration cards and identification markers in accordance with this chapter, and the applicant

shall furnish all the information required by such forms before a registration card or identification marker is issued.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-240.** Form and content of registration card and vehicle identification marker.

The registration card and the identification marker must be of such form as the Department of Motor Vehicles may prescribe. Each identification marker shall bear a number which must be the same as the number appearing on the registration card for the same vehicle.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-250.** Biennial application for registration card and vehicle identification marker.

A motor carrier operating motor vehicles in this State shall apply to the Department of Motor Vehicles biennially for a registration card and identification marker for each power unit it operates in this State. A person violating this section, upon conviction, must be punished as provided in Section 56-17-10.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-260.** Term of issuance of registration card and vehicle identification marker.

The registration cards and markers provided for must be issued for the period beginning April first each biennium and are valid until March thirty-first of the biennium. All identification markers remain the property of the State.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-270.** Requirement of registration in vehicle operated in state; display of identification number.

The registration card must be carried in the vehicle for which it was issued at all times when the vehicle is in this State. The identification marker must be attached or affixed to the vehicle in the place and manner prescribed by the Department of Motor Vehicles so that it is clearly displayed at all times, and it shall at all times be kept clearly legible.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-280.** Suspension or revocation of registration card or vehicle identification identification number.

In addition to the penalties herein provided, the Department of Motor Vehicles may for good cause suspend or revoke any registration card or identification marker issued pursuant to this chapter.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-290.** Penalties.

A person who operates or causes to be operated on any highway in this State any motor vehicle that does not carry a registration card required by this chapter or any motor vehicle that does not display, in the manner prescribed by this chapter or by the Department of Motor Vehicles, the identification marker required by this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. Each day's operation in violation of this section constitutes a separate offense.

HISTORY: 1996 Act No. 459, Section 224.

## ARTICLE 5 Road Tax

**SECTION 56-11-410.** Imposition and calculation of tax; effect of other motor carrier taxes; Infrastructure Maintenance Trust Fund.

(A) A road tax for the privilege of using the streets and highways in this State is imposed upon every motor carrier. The tax is equivalent to the user fee imposed pursuant to Section 12-28-310, calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State. Except as credit for certain taxes as provided for in this chapter, taxes imposed on motor carriers by this chapter are in addition to taxes imposed upon the carriers by any other provision of law.

(B) Notwithstanding any other provision of law, all of the road tax funds collected in excess of sixteen cents a gallon after accounting for the credit provided in Section 56-11-450, must be credited to the Infrastructure Maintenance Trust Fund.

HISTORY: 1996 Act No. 459, Section 224; 2017 Act No. 40 (H.3516), Section 3.A, eff July 1, 2017.

Effect of Amendment

2017 Act No. 40, Section 3.A, inserted the paragraph identifiers; in (A), substituted "the user fee imposed pursuant to Section 12-28-310" for "sixteen cents a gallon"; and added (B), providing that excess funds must be credited to the Infrastructure Maintenance Trust Fund.

**SECTION 56-11-415.** Exemption for certain motor carriers.

For the purpose of this chapter, a motor carrier, as defined in Section 56-11-10, which operates one hundred percent of its miles within the boundaries of this State is exempt from the provisions of this chapter.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-420.** Calculation of tax as affected by reporting period; applicability of nationally recognized standards.

The amount of tax due must be calculated upon the amount of gasoline or other motor fuel used by the motor carrier in its operation within this State during the reporting period. The Department of Motor Vehicles shall develop forms to reflect the tax due in accordance with nationally recognized standards.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-430.** Submission by motor carrier of quarterly operations reports to Department of Motor Vehicles.

Every motor carrier subject to the tax imposed by this chapter shall, on or before the last day of April, July, October, and January submit to the Department of Motor Vehicles the reports of its operations during the quarter of the year ending the last day of the preceding month as the department requires. Nothing in this section may be construed to eliminate the requirement as to registration and identification markers otherwise provided by this chapter.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-440.** Payment of tax.

The tax herein imposed with respect to each calendar quarter shall be paid to the Department of Motor Vehicles at the same time the report required by this chapter is filed.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-450.** Tax credit; refunds.

(A) Every motor carrier subject to the tax imposed under this chapter is entitled to a credit on the tax equivalent to the user fee imposed pursuant to Section 12-28-310 on all gasoline or other motor fuel purchased by the carrier within this State for use in operations either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by the carrier. Evidence of the payment of the tax in such form as may be required by or is satisfactory to the Department of Motor Vehicles must be furnished by each carrier claiming the credit.

(B) When the amount of the credit exceeds the amount of the tax for which the carrier is liable for the same quarter, the excess may, under regulations of the department, be allowed as a credit on the tax for which the carrier would be otherwise liable for another quarter or quarters. The department is authorized to refund the amount of the credit herein allowed if within its discretion the refund is preferable to the credit. The refund must be made only if the carrier has fully complied with all the rules and regulations of the department and the provisions of this chapter.

HISTORY: 1996 Act No. 459, Section 224; 2017 Act No. 40 (H.3516), Section 3.B, eff July 1, 2017.

Effect of Amendment

2017 Act No. 40, Section 3.B, in (A), substituted “the user fee imposed pursuant to Section 12-28-310” for “sixteen cents per gallon”.

**SECTION 56-11-490.** Lien on vehicle for excise tax, penalty, and interest; legal costs.

The excise tax and penalties and interest imposed under this chapter constitutes a first preferred lien upon any motor vehicle in which fuel taxable under this chapter is used, the lien attaching at the time the vehicle is operating in this State through the use of the fuel. The lien must not be removed until the excise tax, penalties and interest, and legal costs are paid or the property subject to the lien is sold in payment thereof, and the lien is paramount to all private liens or encumbrances of whatever character and to the rights of any conditional vendor or any other holder of the legal title in or to any such motor vehicle.

HISTORY: 1996 Act No. 459, Section 224.

**SECTION 56-11-500.** Use of revenue funds from tax, penalties, and interest; State Highway Fund.

As to revenue collected under this chapter or other road taxes on motor carriers, the Department of Motor Vehicles must withhold from the State Highway Fund monies not to exceed the actual or projected costs associated with administering and enforcing the provisions of this chapter. The State Treasurer and the Comptroller General shall establish accounts as necessary to facilitate the efficient and effective operation of this chapter and deposit from the State Highway Fund initial monies as may be necessary to operate this program. All remaining taxes and penalties and interest collected by the department pursuant to the provisions of this chapter must be deposited in the State Highway Fund.

HISTORY: 1996 Act No. 459, Section 224.

## ARTICLE 7 International Fuel Tax Agreement

**SECTION 56-11-550.** Collection and distribution of funds to International Fuel Tax Agreement (IFTA) states.

(A) Upon filing a return, the Department of Motor Vehicles may distribute funds to International Fuel Tax Agreement states before the collection of funds from a person covered by the agreement. If the person has not remitted the funds within ninety days after being sent a collection notice, the department must revoke the authority of the person to operate in South Carolina and other states. The department may collect a person's past deficient payments by adjusting future distributions to states to which distributions previously had been made.

HISTORY: 1996 Act No. 459, Section 224.

## CHAPTER 14 Regulation of Manufacturers, Distributors and Dealers of Recreational Vehicles

**SECTION 56-14-10.** Definitions.

As used in this chapter:

(1) "Area of sales responsibility" means the geographical area, agreed to by the dealer and the manufacturer in the manufacturer/dealer agreement, within which area the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line make to the retail public.

(2) "Dealer" means any person, firm, corporation, or business entity licensed or required to be licensed under this chapter to sell new recreational vehicles to the retail public. The term includes a "recreational vehicle dealer" and a "new recreational vehicle dealer" as used in this chapter. This definition does not include:

- (a) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court;
- (b) a public official conducting the official duty of his office;

(c) persons disposing of motor vehicles acquired for their own use and used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five recreational vehicles in any calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter;

(d) finance companies or other financial institutions who sell repossessed recreational vehicles and insurance companies who sell recreational vehicles owned as an incident to payments made under policies of insurance.

(3) "Department" means the South Carolina Department of Motor Vehicles.

(4) "Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers in order to address a part or equipment issue.

(5) "Family member" means a spouse, child, grandchild, parent, sibling, niece, nephew, or the spouse thereof.

(6) "Line make" means a specific series of recreational vehicle products that:

(a) are identified by a common series trade name or trademark;

(b) are targeted to a particular market segment, as determined by their decor, features, equipment, size, weight, and price range;

(c) have lengths and interior floor plans that distinguish the recreational vehicles from other recreational vehicles with substantially the same decor, equipment, features, price, and weight;

(d) belong to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body; and

(e) the manufacturer/dealer agreement authorizes a dealer to sell.

(7) "Manufacturer" means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicles.

(8) "Manufacturer/dealer agreement" means a written agreement or contract entered into between a manufacturer and a dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer sells new recreational vehicles.

(9) "New recreational vehicle" means a recreational vehicle that has never been sold to the retail public nor titled or registered in any state.

(10) "Person" means a natural person, corporation, partnership, trust, or other entity, and in case of an entity, includes any other entity in which it has a majority interest or effectively controls, as well as the individual officers, directors, and other persons in active control of the activities of each such entity.

(11) "Proprietary part" means any part manufactured by or for and sold exclusively by the manufacturer.

(12) "Recreational vehicle" means a motorhome, travel trailer, fifth-wheel trailer, or folding camping trailer designed to provide temporary living quarters for recreational, camping, or travel use, as defined herein.

(13) "Motorhome" means a self-propelled vehicle designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations. The unit must contain at least four of the following permanently installed independent life support systems which meet the NFPA 1192 Standard for Recreational Vehicles:

(a) a cooking facility with an on-board fuel source;

(b) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection;

(c) a toilet with exterior evacuation;

(d) a gas or electric refrigerator;  
(e) a heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine; or

(f) an electric power system.

(14) “Travel trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.

(15) “Fifth-wheel trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle equipped with a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.

(16) “Folding camping trailer” means a vehicle mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use that complies with all applicable federal vehicle regulations and is constructed with collapsible partial side walls that fold for towing by another vehicle.

(17) “Supplier” means any person, firm, corporation, or business entity that engages in the manufacturing of recreational vehicle parts, accessories, or components.

(18) “Transient customer” means a customer who is temporarily traveling through a dealer’s area of sales responsibility.

(19) “Warrantor” means any person, firm, corporation, or business entity, including any manufacturer or supplier that provides a written warranty to the consumer in connection with a new recreational vehicle or a part, accessory, or component. The term does not include service contracts, mechanical or other insurance, or extended warranties sold for separate consideration by a dealer or other person not controlled by a manufacturer.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor’s Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-20.** Persons subject to chapter and jurisdiction of courts; service of process.

Any person who engages directly or indirectly in purposeful contacts within this State in connection with the offering or advertising for sale or has business dealings with respect to a recreational vehicle within this State shall be subject to the provisions of this chapter and shall be subject to the jurisdiction of the courts of this State upon service of process in accordance with the provisions of Chapter 9, Title 15.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor’s Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-25.** Applicability to park model trailers.

This chapter does not apply to park model trailers built to American National Standards Institute (ANSI) Standard A119.5.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor’s Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-30.** License for dealer; exhibition license; fees; penalties.

(A) Before engaging in business as a recreational vehicle dealer in this State, a person first must make application to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month twelve months from the date of issue, the “licensing period”, and must be displayed prominently at the established place of business. The fee for the license is fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B) A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer’s license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer’s license issued pursuant to this chapter. Every temporary dealer’s license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

(C) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

(D) A person who fails to secure either a temporary or a permanent license as required in this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than fifty dollars or more than two hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) not less than two hundred dollars or more than one thousand dollars or imprisoned for not more than six months, or both, for the second offense; and

(3) not less than one thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(E) For purposes of this section, the sale of each recreational vehicle constitutes a separate offense. The Department of Motor Vehicles shall enforce the provisions contained in this section.

(F) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-40.** Application for dealer license; bond; duty to notify department where information given by applicant changes or license ceases operations.

(A) Before a license as a recreational vehicle dealer is issued, an applicant shall file an application with the department and provide information the department may require including, but not limited to, the name and addresses of individuals who own or control ten percent or more of the interest in the business.

(B) Each applicant shall furnish a surety bond in the penal amount of thirty thousand dollars on a form prescribed by the department. A new bond or a proper continuation certificate must be delivered to the department annually before a dealer's license may be renewed. A dealer's license expires immediately upon expiration or termination of a dealer's bond. The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a recreational vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a recreational vehicle by a licensed recreational vehicle dealer or the dealer's agent acting for the dealer, or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or his agent of any provisions of this chapter. An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to thirty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license year, there is a change in the information a dealer gave the department in obtaining or retaining a license, the licensee must report the change to the department within thirty days on a form prescribed by the department.

(D) If a licensee ceases to be a recreational vehicle dealer, he shall notify the department within ten days and return any license and all dealer license plates.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-50.** Requirement as to dealer's maintenance of bona fide place of business; permanent sign.

No recreational vehicle dealer may be issued or allowed to maintain a recreational vehicle dealer's license unless:

(1) The dealer maintains a bona fide place of business for selling or exchanging recreational vehicles, which must be the principal business conducted from the location. A bona fide place of business includes a permanent, enclosed building, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, occupied by the owner or operator and easily accessible by the public, at which a permanent business of bartering, trading, or selling recreational vehicles or displaying vehicles for bartering, trading, or selling is conducted, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter.

(2) The business must display a permanent sign identifying the business with letters at least six inches in height, clearly readable from the nearest major avenue of traffic.

(3) The business must have a reasonable area or lot to properly display recreational vehicles.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-60.** Records of transfers; organization; penalties.

(A) Each recreational vehicle dealer must maintain complete records of each transaction under which a recreational vehicle is transferred for a period of not less than four years from the date of the transaction. The records must include the name and address of the person or persons from whom the recreational vehicle was acquired and the date of the transaction; a description of the vehicle, when transferred; the name and address of the person to whom the recreational vehicle was transferred; and the date of the transaction. The description of the recreational vehicle must include the vehicle identification number, make, model, type, and, if a motor home, the odometer readings at the time the recreational vehicle was transferred to and from the dealer. Upon reasonable notice, these records must be made available to the department for inspection.

(B) The records must be maintained in a reasonably organized fashion. Any records which are illegible or incapable of being accurately interpreted by either the record keeper or the department are not in compliance with this section.

(C) A dealer who fails to keep or make available to the department required records upon reasonable request, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days. The failure to keep or make available records on each separate recreational vehicle constitutes an offense.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-70. Denial, suspension, or revocation of license.**

A license may be denied, suspended, or revoked if the applicant or licensee or an agent of the applicant or licensee is determined by the department to have:

- (a) made a material misstatement in the application for the license;
- (b) violated any provision of this chapter;
- (c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a vehicle;
- (d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers by the laws of this State;
- (e) been convicted of any violation of law involving the acquisition or transfer of a title to a vehicle or of any violation of law involving tampering with, altering, or removing vehicle identification numbers or markings;
- (f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a vehicle odometer, including the provisions of 49 U.S.C. 32701—32711 (Title 49, Subtitle VI, Part C, Chapter 327);
- (g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or failed to maintain records of each vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or
- (h) given, loaned, or sold a vehicle dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer to whom the license plate was originally issued.

The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle

Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-80. Manufacturer/dealer agreement.**

(A) A manufacturer or distributor may not sell a recreational vehicle in this State to or through a dealer without having first entered into a manufacturer/dealer agreement with a dealer signed by both parties.

(B) The manufacturer shall designate the area of sales responsibility exclusively assigned to a dealer in the manufacturer/dealer agreement and may not contract with another dealer for sale of the same line make in the designated area for the duration of the agreement.

(C) The area of sales responsibility may be reviewed or changed with the consent of both parties not less than twelve months after the execution of the manufacturer/dealer agreement.

(D) A recreational vehicle dealer may not sell a new recreational vehicle in this State without having first entered into a manufacturer/dealer agreement with a manufacturer or distributor signed by both parties.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-90. Termination, cancellation, or failure to renew a manufacturer/dealer agreement; good cause; notice.**

(A) A manufacturer, directly or through any authorized officer, agent, or employee, may terminate, cancel, or fail to renew a manufacturer/dealer agreement with good cause and the provisions contained in Section 56-14-110 do not apply.

(B) The manufacturer has the burden of showing good cause for terminating, canceling, or failing to renew a manufacturer/dealer agreement with a dealer.

(C) For purposes of determining whether there is good cause for the proposed action, any of the following factors may be considered:

- (1) the extent of the affected dealer's penetration in the area of sales responsibility;
- (2) the nature and extent of the dealer's investment in its business;
- (3) the adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel;

- (4) the effect of the proposed action on the community;
- (5) the extent and quality of the dealer's service under recreational vehicle warranties;
- (6) the dealer's failure to follow agreed upon procedures or standards related to the overall operation of the dealership; and
- (7) the dealer's performance under the terms of its manufacturer/dealer agreement.

(D) Except as otherwise provided in this section, a manufacturer or distributor shall provide a dealer with at least ninety days prior written notice of termination, cancellation, or nonrenewal of the manufacturer/dealer agreement.

(1) The notice must state all reasons for the proposed termination, cancellation, or nonrenewal and must further state that if, within thirty days following receipt of the notice, the dealer provides to the manufacturer a written notice of intent to cure all claimed deficiencies, the dealer will then have ninety days following receipt of the original notice to rectify the deficiencies.

(2) If the deficiencies are rectified within ninety days, the manufacturer's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies or fails to cure the deficiencies in the prescribed time period, the termination, cancellation, or nonrenewal takes effect as provided in the original notice.

(3) The notice period may be reduced to thirty days if the manufacturer's grounds for termination, cancellation, or nonrenewal are due to any of the following good cause factors:

(a) a dealer or one of its owners being convicted of, or entering a plea of nolo contendere to, a felony;

(b) the abandonment or closing of the business operations of the dealer for ten consecutive business days unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;

(c) a significant misrepresentation by the dealer materially affecting the business relationship;

(d) a suspension or revocation of the dealer's license, or refusal to renew the dealer's license, by the department; or

(e) a material violation of this chapter which is not cured within thirty days after the written notice by the manufacturer.

(4) The notice provisions contained in this subsection do not apply if the reason for termination, cancellation, or nonrenewal is the dealer's insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

“SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

**SECTION 56-14-100.** Termination or cancellation of manufacturer/dealer agreement with or without good cause; notice of intent to cure; burden of proof.

(A) A dealer may terminate or cancel its manufacturer/dealer agreement with or without good cause by giving the manufacturer thirty day's written notice. If the termination or cancellation is

for good cause, the notice must state all reasons for the proposed termination or cancellation and must further state that if, within thirty days following receipt of the notice, the manufacturer provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer will then have ninety days following receipt of the original notice to rectify the deficiencies. If the deficiencies are rectified within ninety days, the dealer's notice is voided. If the manufacturer fails to provide the notice of intent to cure the deficiencies or fails to cure the deficiencies in the time period prescribed, the termination or cancellation shall take effect as provided in the original notice.

(B) If the dealer terminates, cancels, or fails to renew the manufacturer/dealer agreement without good cause, the terms of Section 56-14-110 do not apply. If the dealer terminates, cancels, or fails to renew the manufacturer/dealer agreement with good cause, Section 56-14-110 shall apply. If the dealer terminates for cause and has new and untitled inventory on hand subject to the termination then the inventory may be sold pursuant to Section 56-14-110.

(C) The dealer has the burden of showing good cause. Any of the following items shall be deemed "good cause" for the proposed termination, cancellation, or nonrenewal action by a dealer:

- (1) a manufacturer being convicted of, or entering a plea of nolo contendere to, a felony;
- (2) the business operations of the manufacturer have been abandoned or closed for ten consecutive business days, unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control;
- (3) a significant misrepresentation by the manufacturer materially affecting the business relationship;
- (4) a material violation of this chapter which is not cured within thirty days after written notice by the dealer;
- (5) a declaration by the manufacturer of bankruptcy, insolvency, or the occurrence of an assignment for the benefit of creditors or bankruptcy.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

"SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

"SECTION 7. This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018."

**SECTION 56-14-105.** Manufacturer's repurchase of new recreational vehicles and accessories.

(A) If the dealer terminates or cancels the manufacturer/dealer agreement for good cause and the manufacturer fails to cure the claimed deficiencies, the manufacturer shall, at the election of the dealer and within forty-five days after termination, cancellation, or nonrenewal, repurchase:

- (1) all new, untitled recreational vehicles to which the dealer can show clear title and that were acquired from the manufacturer or distributor within twelve months before the effective date of the notice of termination, cancellation, or nonrenewal that have not been used, except for demonstration purposes, and that have not been altered or damaged, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. In the event any of the vehicles repurchased pursuant to this subsection are damaged, but do not trigger a consumer disclosure requirement, the amount due the dealer shall be reduced by the

cost to repair the vehicle. Damage prior to delivery to the dealer that is disclosed at the time of delivery will not disqualify repurchase under this provision;

(2) all undamaged accessories and proprietary parts sold to the dealer for resale within the twelve months prior to termination, cancellation, or nonrenewal, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer or distributor to compensate the dealer for handling, packing, and shipping the parts; and

(3) any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery at one hundred percent of the dealer's net cost plus freight, destination, delivery, and distribution charges and sales taxes, if any, if the items were purchased by the dealer within five years before termination, cancellation, or nonrenewal, upon the manufacturer's or distributor's request, and which the dealer meets the burden of establishing, and can no longer be used in the normal course of the dealer's ongoing business.

(B) If recreational vehicles of a line make that was subject to a terminated dealer agreement are not repurchased or required to be repurchased by the manufacturer, the dealer may continue to sell such recreational vehicles that were subject to the terminated dealer agreement and were in the dealer's inventory on the effective date of the termination until those recreational vehicles are no longer in the dealer's inventory.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

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**SECTION 56-14-110.** Sale of business assets, stock transfer, or other change in ownership by dealer; notice; objection; succession to dealership by family member; burden of proof.

(A) If a dealer desires to make a change in ownership by the sale of the business assets, stock transfer, or otherwise, the dealer shall give the manufacturer written notice at least fifteen business days before the closing, including all supporting documentation as may be reasonably required by the manufacturer to determine if an objection to the sale may be made. In the absence of a breach by the selling dealer of its dealer agreement or this chapter, the manufacturer shall not object to the proposed change in ownership unless the prospective transferee:

(1) has previously been terminated by the manufacturer for breach of its dealer agreement;

(2) has been convicted of a felony or any crime of fraud, deceit, or moral turpitude;

(3) lacks any license required by law;

(4) does not have an active line of credit sufficient to purchase a manufacturer's product; or

(5) has undergone in the last ten years bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee, or conservator to take possession of the transferee's business or property.

(B) If the manufacturer objects to a proposed change of ownership, the manufacturer shall give written notice of its reasons to the dealer within ten business days after receipt of the dealer's notification and complete documentation. The manufacturer has the burden of proof with regard to its objection. If the manufacturer does not give timely notice of its objection, the change or sale shall be deemed approved.

(C) It is unlawful for a manufacturer to fail to provide a dealer an opportunity to designate, in writing, a family member as a successor to the dealership in the event of the death, incapacity, or retirement of the dealer. It is unlawful to prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated, or retired dealer unless the manufacturer has provided to the dealer written notice of its objections within ten days after receipt of the dealer's modification of the dealer's succession plan. In the absence of a breach of the dealer agreement, the manufacturer may object to the succession for the following reasons only:

- (1) conviction of the successor of a felony or any crime of fraud, deceit, or moral turpitude;
- (2) bankruptcy or insolvency of the successor during the past ten years;
- (3) prior termination by the manufacturer of the successor for breach of a dealer agreement;
- (4) the successor lacks an active line of credit sufficient to purchase the manufacturer's recreational vehicles; or
- (5) the successor lacks any license required by law.

(D) The manufacturer has the burden of proof regarding its objection. However, a family member may not succeed to a dealership if the succession involves, without the manufacturer's consent, a relocation of the business or an alteration of the terms and conditions of the manufacturer/dealer agreement.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

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**SECTION 56-14-120.** Warrantors; warranty labor; dealer reimbursement; warranty audits; warranty claims; violations of this chapter.

(A) Each warrantor shall:

- (1) specify in writing each of its dealer obligations, if any, for preparation, delivery, and warranty service on its products;
- (2) compensate the dealer for warranty service required of the dealer by the warrantor; and
- (3) provide the dealer the schedule of compensation to be paid and the time allowances for the performance of any work and service. The schedule of compensation must include reasonable compensation for diagnostic work as well as warranty labor.

(B) Time allowances for the diagnosis and performance of warranty labor must be reasonable for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the actual wage rates being paid by the dealer, and the actual retail labor rate being charged by the recreational vehicle dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like nonwarranty labor as long as such rates are reasonable.

(C) The warrantor shall reimburse the dealer for any warranty part at actual wholesale cost plus a minimum thirty percent handling charge and the cost, if any, of freight to return such part to the warrantor.

(D) Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis, and dealer claims for warranty compensation may not be denied except for cause, such as performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud, or misrepresentation.

(E) The dealer shall submit warranty claims within forty-five days after completing work.

(F) The dealer immediately shall notify the warrantor verbally or in writing if the dealer is unable to perform any warranty repairs within ten days of receipt of verbal or written complaints from a consumer.

(G) The warrantor shall disapprove warranty claims in writing within forty-five days after the date of submission by the dealer in the manner and form prescribed by the warrantor. Claims not specifically disapproved in writing within forty-five days shall be construed to be approved and must be paid within sixty days of submission.

(H) It is a violation of this chapter for any warrantor to:

(1) fail to perform any of its warranty obligations with respect to its warranted products;

(2) fail to include, in written notices of factory campaigns to recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the campaign work. The warrantor may ship parts to the dealer to effect the campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused parts to the warrantor for credit after completion of the campaign;

(3) fail to compensate any of its dealers for authorized repairs effected by the dealer on recreational vehicles or products damaged in manufacture or transit to the dealer, if the carrier is designated by the warrantor;

(4) fail to compensate any of its dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section if performed in a timely and competent manner;

(5) intentionally misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer as warrantor or cowarrantor; or

(6) require the dealer to make warranties to customers in any manner related to the manufacture of the recreational vehicle.

(I) It is a violation of this chapter for any dealer to:

(1) fail to perform predelivery inspection functions, as specified by the warrantor, in a competent and timely manner;

(2) fail to perform warranty service work authorized by the warrantor in a competent and reasonably timely manner on any transient customer's vehicle of a line make sold or serviced by that dealer;

(3) fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single unit, and the number of repair attempts for the same repair conducted on a single vehicle;

(4) fail to notify the warrantor within ten days of a second repair attempt which impairs the use, value, or safety of the vehicle;

(5) fail to maintain written records, including a consumer's signature, regarding the amount of time a unit is stored for the consumer's convenience during a repair; or

(6) make fraudulent warranty claims or misrepresent the terms of any warranty.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

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**SECTION 56-14-130.** Indemnification; violations of this chapter.

(A) Notwithstanding the terms of any manufacturer/dealer agreement, it is a violation of this chapter for:

(1) a warrantor to fail to indemnify and hold harmless its dealer against any losses or damages to the extent such losses or damages are caused by the negligence or wilful misconduct of the warrantor. A new recreational vehicle dealer may not be denied indemnification for failing to discover, disclose, or remedy a defect in the design or manufacturing of a new recreational vehicle. A new recreational vehicle dealer may be denied indemnification if the new recreational vehicle dealer fails to remedy a known and announced defect in accordance with the written instructions of a warrantor for whom the new recreational vehicle dealer is obligated to perform warranty service. A new recreational vehicle dealer shall provide to the warrantor a copy of any pending law suit or similar proceeding in which allegations are made that are covered by this subsection within ten days after receiving such suit. Notwithstanding anything to the contrary, this subsection shall continue to apply even after the new recreational vehicle is titled; and

(2) a new recreational vehicle dealer to fail to indemnify and hold harmless its warrantor against any losses or damages to the extent that the losses or damages are caused by the negligence or wilful misconduct of the new recreational vehicle dealer. A warrantor shall provide to a new recreational vehicle dealer a copy of any pending law suit or similar proceeding in which allegations are made that are covered by this subsection within ten days after receiving such suit. Notwithstanding anything to the contrary, this subsection shall continue to apply even after the new recreational vehicle is titled.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

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**SECTION 56-14-140.** Procedures for new recreational vehicles damaged prior to transit to dealer.

(A) Whenever a new recreational vehicle is damaged prior to transit to the dealer or is damaged in transit to the dealer and the carrier or means of transportation has been selected by the manufacturer, the dealer shall notify the manufacturer of the damage within the timeframe specified in the manufacturer/dealer agreement and:

(1) request from the manufacturer authorization to replace the components, parts, and accessories damaged or otherwise correct the damage; or

(2) reject the vehicle within the timeframe set forth in subsection (D).

(B) If the manufacturer refuses or fails to authorize repair of such damage within ten days after receipt of notification, or if the dealer rejects the recreational vehicle because of damage, ownership of the new recreational vehicle shall revert to the manufacturer.

(C) The dealer shall exercise due care in custody of the damaged recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to that recreational vehicle.

(D) The time frame for inspection and rejection by the dealer must be part of the manufacturer/dealer agreement and may not be less than two business days after the physical delivery of the recreational vehicle.

(E) Any recreational vehicle that has, at the time of delivery to the dealer, an unreasonable amount of miles on its odometer, as determined by the dealer, may be subject to rejection by the dealer and reversion of the vehicle to the manufacturer. In no instance shall a dealer deem an amount less than the distance between the dealer and the manufacturer's factory or point of distribution, plus one hundred miles, as unreasonable.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

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**SECTION 56-14-150. Coercion by manufacturers prohibited.**

(A) A manufacturer may not coerce or attempt to coerce a dealer to:

- (1) purchase a product that the dealer did not order;
- (2) enter into an agreement with the manufacturer; or
- (3) enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided under this chapter.

(B) As used in this section, the term “coerce” includes, but is not limited to, threatening to terminate, cancel, or not renew a manufacturer/dealer agreement without good cause or threatening to withhold product lines the dealer is entitled to purchase pursuant to the manufacturer/dealer agreement or delay product delivery as an inducement to amending the manufacturer/dealer agreement.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

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**SECTION 56-14-160. Civil actions; venue; demand for mediation; injunctions.**

(A) A dealer, manufacturer, or warrantor injured by another party's violation of this chapter may bring a civil action in circuit court to recover actual damages. The court shall award

attorney's fees and costs to the prevailing party in such an action. Venue for any civil action authorized by this section shall be in any county in this State in which the dealer's business is located. In an action involving more than one dealer, venue may be in any county in this State in which any dealer that is party to the action is located.

(B) Prior to bringing suit under this section, the party bringing suit for an alleged violation shall serve a written demand for mediation upon the offending party. The demand for mediation shall be served upon the other party via certified mail at the address stated within the manufacturer/dealer agreement between the parties. The demand for mediation shall contain a brief statement of the dispute and the relief sought by the party filing the demand.

(C) Within twenty days after the date a demand for mediation is served, the parties shall mutually select an independent certified mediator and meet with that mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this State in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown either party or upon stipulation of both parties.

(D) The service of a demand for mediation under this section shall toll the time for the filing of any complaint, petition, protest, or other action under this chapter until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest, or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate.

(E) The parties to the mediation shall bear their own costs for attorney's fees and divide equally the cost of the mediator.

(F) In addition to the remedies provided in this section and notwithstanding the existence of any additional remedy at law, a manufacturer, or warrantor, or a dealer is authorized to make application to a circuit court for the grant, upon a hearing and for cause shown, of a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter. Such injunction shall be issued without bond. A single act in violation of the provisions of this chapter shall be sufficient to authorize the issuance of an injunction.

HISTORY: 2017 Act No. 51 (S.321), Section 1, eff November 19, 2017.

Editor's Note

2017 Act No. 51, Sections 6, 7, provide:

“SECTION 6. The department is authorized to promulgate regulations for the enforcement of the provisions of Chapter 14, Title 56.

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## CHAPTER 15 Regulation of Manufacturers, Distributors, and Dealers

### ARTICLE 1 General Provisions

## **SECTION 56-15-10. Definitions.**

As used in this chapter the following words shall, unless the text otherwise requires, have the following meanings:

Text of (a) effective until November 19, 2018.

(a) "Motor vehicle" means any motor driven vehicle required to be registered pursuant to Section 56-3-110. This definition does not include motorcycles, or new recreational vehicles as defined in Section 56-14-10.

Text of (a) effective November 19, 2018.

(a) "Motor vehicle", means any motor driven vehicle required to be registered pursuant to Section 56-3-110. This definition does not include motorcycles, new recreational vehicles as defined in Section 56-14-10, or mopeds.

(b) "Manufacturer," any person engaged in the business of manufacturing or assembling new and unused motor vehicles.

(c) "Factory branch," a branch office maintained by a manufacturer which manufactures or assembles motor vehicles for sale to distributors or motor vehicle dealers or which is maintained for directing and supervising the representatives of the manufacturer.

(d) "Distributor branch", a branch office maintained by a distributor who or which sells or distributes new motor vehicles to motor vehicle dealers.

(e) "Factory representative," a representative employed by a manufacturer or employed by a factory branch for the purpose of making or promoting the sale or motor vehicles or for supervising, servicing, instructing or contracting with motor vehicle dealers or prospective motor vehicle dealers.

(f) "Distributor representative", a representative employed by a distributor branch or distributor.

(g) "Distributor", any person who sells or distributes new motor vehicles to motor vehicle dealers or who maintains distributor representatives within the State.

(h) "Dealer" or "motor vehicle dealer", any person who sells or attempts to effect the sale of any motor vehicle. These terms do not include:

(1) distributors or wholesalers.

(2) receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court.

(3) public officers while performing their official duties.

(4) persons disposing of motor vehicles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motor vehicles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter.

(5) finance companies or other financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles they own as an incident to payments made under policies of insurance.

(i) "Franchise," an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor or wholesaler grants to a motor vehicle dealer a license to use a trade name, service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or services related thereto at wholesale, retail, leasing or otherwise.

(j) "Franchiser," a manufacturer, distributor or wholesaler who grants a franchise to a motor vehicle dealer.

(k) “Franchisee,” a motor vehicle dealer to whom a franchise is offered or granted.

(l) “Sale,” shall include the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motor vehicle or interest therein or of any franchise related thereto; and any option, subscription or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto with, or as, a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.

(m) “Fraud,” shall include, in addition to its normal legal connotation, the following: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

(n) “Person,” a natural person, corporation, partnership, trust or other entity, and, in case of an entity, it shall include any other entity in which it has a majority interest or effectively controls as well as the individual officers, directors and other persons in active control of the activities of each such entity.

(o) “New motor vehicle,” a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

(p) “Wholesaler” or “motor vehicle wholesaler”, any person who sells or attempts to effect the sale of any used motor vehicle exclusively to motor vehicle dealers or to other wholesalers.

(q) Reserved.

(r) “Due cause” means a material breach by a dealer of a lawful provision of a franchise or selling agreement that is not cured within a reasonable period of time after being given prior written notice of the specific material breach.

(s) “Material breach” means a contract violation that is substantial and significant.

HISTORY: 1962 Code Section 46-150.151; 1972 (57) 2419; 1983 Act No. 118 Sections 4-8; 1984 Act No. 511, Section 2; 1988 Act No. 603, Section 1; 1993 Act No. 181, Section 1483; 1996 Act No. 459, Section 246A; 2013 Act No. 44, Section 1, eff June 7, 2013; 2017 Act No. 51 (S.321), Sections 2, 3, eff November 19, 2017; 2017 Act No. 89 (H.3247), Section 29, eff November 19, 2018.

Code Commissioner’s Note

At the direction of the Code Commissioner, the amendments in (a) made by 2017 Act No. 51, Section 2, effective November 19, 2017, and 2017 Act No. 89, Section 29, effective November 19, 2018, were read together.

Editor’s Note

2017 Act No. 51, Section 7, provides:

“This act takes effect six months after approval by the Governor and applies to manufacturer/dealer agreements entered into on or after July 1, 2018.”

Effect of Amendment

2017 Act No. 51, Section 2, in (a), substituted “pursuant to” for “under”, and added “, or new recreational vehicles as defined in Section 56-14-10”.

2017 Act No. 51, Section 3, reserved (q), which had related to the definition of “motor home”.

2017 Act No. 89, Section 29, in (a), inserted “or mopeds”.

**SECTION 56-15-20.** Persons subject to chapter and jurisdiction of courts; service of process.

Any person who engages directly or indirectly in purposeful contacts within this State in connection with the offering or advertising for sale or has business dealings with respect to a motor vehicle within this State shall be subject to the provisions of this chapter and shall be subject to the jurisdiction of the courts of this State upon service of process in accordance with the provisions of Chapter 9 of Title 15.

HISTORY: 1962 Code Section 46-150.152; 1972 (57) 2419.

**SECTION 56-15-30.** Unfair methods of competition and unfair or deceptive acts or practices declared unlawful.

(a) Unfair methods of competition and unfair or deceptive acts or practices as defined in Section 56-15-40 are hereby declared to be unlawful.

(b) In construing paragraph (a) the courts may be guided by the definitions in the Federal Trade Commission Act (15 U.S.C. 45).

HISTORY: 1962 Code Section 46-150.153; 1972 (57) 2419.

**SECTION 56-15-40.** Specific acts deemed unfair methods of competition and unfair or deceptive acts or practices; Office of Administrator; appointment of personnel; enforcement; financial services company.

(1) It shall be deemed a violation of paragraph (a) of Section 56-15-30 for any manufacturer, factory branch, factory representative, distributor, or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public.

(2) It shall be deemed a violation of subsection (a) of Section 56-15-30 for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or an officer, agent or other representative, to require, coerce, or attempt to coerce, any motor vehicle dealer:

(a) to order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories, or any other commodity or commodities which such motor vehicle dealer has not voluntarily ordered;

(b) to order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof;

(c) to order for any person any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever;

(d) to offer to sell or to sell any extended service contract, extended maintenance plan, financial product, or insurance product offered, sold, or sponsored by the manufacturer, distributor, or wholesaler. Nothing in this item shall prohibit a manufacturer or distributor or financial arm from providing functionally available incentive programs to a motor vehicle dealer who voluntarily offers to sell or sells any extended service contract, extended maintenance plan, financial product, or insurance product offered, sold, or sponsored by the manufacturer or distributor or financial arm;

(e) to sell, assign, or transfer any retail installment sales contract or lease obtained by the motor vehicle dealer in connection with the sale or lease of a new motor vehicle manufactured by

the manufacturer to a specified finance company, class of finance companies, leasing company, class of leasing companies, or to any other specified person.

(3) It shall be deemed a violation of paragraph (a) of Section 56-15-30 for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent or other representative thereof:

(a) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor branch or division, factory branch or division or wholesale branch or division, any such motor vehicles as are covered by such franchise or contract specifically publicly advertised by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery; provided, however, the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure be due to an act of God, work stoppage or delay due to a strike or labor difficulty, shortage of materials, freight embargo or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof, shall have no control.

(b) To coerce, or attempt to coerce, any motor vehicle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to such dealer by threatening to cancel any franchise or any contractual agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, and such dealer; provided, however, that notice in good faith to any motor vehicle dealer of such dealer's violation of any terms or provisions of such franchise or contractual agreement shall not constitute a violation of this chapter.

(c) To terminate or cancel the franchise or selling agreement of any such dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. Such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representatives thereof shall notify a motor vehicle dealer in writing of the termination or cancellation of the franchise or selling agreement of such dealer at least sixty days before the effective date thereof, stating the specific grounds for such termination or cancellation; and such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing at least sixty days before the contractual term of his franchise or selling agreement expires that the same will not be renewed, stating the specific grounds for such nonrenewal in those cases where there is no intention to renew, and in no event shall the contractual term of any such franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least sixty days following such written notice. During the sixty-day period, either party may in appropriate circumstances petition a court to modify such sixty-day stay or to extend it pending a final determination of such proceedings on the merits. The court shall have authority to grant preliminary and final injunctive relief.

(d) To resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent or other representative thereof.

(e) To offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price; provided, however, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions; and provided, further, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program; and provided, further, that the provisions of this paragraph shall not apply so long as a manufacturer, distributor, or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at an equal price. This provision shall not apply to sales by manufacturer, distributor, or wholesaler to the United States Government or any agency thereof.

(f) To wilfully discriminate, either directly or indirectly, in price between different purchasers of a commodity of like grade or quality where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly or to injure or destroy the business of a competitor.

(g) To offer to sell or to sell parts or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same on a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts or accessories for use in his own business; provided, however, in those cases where motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets or other dealers, whether or not such dealer is regularly designated as a wholesaler, nothing herein contained shall be construed to prevent a manufacturer, distributor, or wholesaler, or any agent thereof, from selling to such motor vehicle dealer who operates and services as a wholesaler of parts and accessories, such parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.

(h) To prevent or attempt to prevent by contract or otherwise, any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the dealer at all times meets any reasonable capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, and provided such change by the dealer does not result in a change in the executive management of the dealership.

(i) To prevent or attempt to prevent by contract or otherwise, any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties; provided, however, that no dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or power of management or control thereunder without the consent of the manufacturer, distributor or wholesaler except that such consent shall not be unreasonably withheld.

(j) To obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the

transactions between the dealer and such other person, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer.

(k) To require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this chapter.

(4) It shall be deemed a violation of paragraph (a) of Section 56-15-30 for a motor vehicle dealer:

(a) To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser; provided, however, that this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the car when received by the dealer; provided, further, that the motor vehicle dealer prior to the consummation of the purchase reveals to the purchaser the substance of this paragraph.

(b) To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle.

(c) To resort to or use any false or misleading advertisement in connection with his business as such motor vehicle dealer.

(5) There is hereby created the Office of Administrator, within the Attorney General's office, and he shall appoint such personnel within his office for the purpose of regulating this chapter. The Administrator shall have the power to investigate, issue cease and desist orders and injunctive relief on any valid abuse connected with the sale, rental or leasing of a new or used motor vehicle; provided, however, this power shall only apply after reasonable attempts by the consumer have been made with the seller, dealer, manufacturer or lessor of the motor vehicle to alleviate the complaint.

(6)(a) For purposes of this subsection, a "financial services company" means any finance source that provides automotive-related loans, or purchases retail installment contracts or lease contracts for motor vehicles and is, directly or indirectly, owned, operated, or controlled, in whole or in part, by a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division.

(b) A manufacturer or distributor may not use any financial services company or leasing company owned or controlled by the manufacturer or distributor to accomplish what would otherwise be illegal conduct on the part of the manufacturer or distributor pursuant to subitems (2)(d) or (e).

HISTORY: 1962 Code Section 46-150.154; 1972 (57) 2419; 2013 Act No. 44, Sections 2.A, 2.B, eff June 7, 2013.

**SECTION 56-15-45.** Ownership, operation or control of competing dealerships by manufacturer or franchisor; unfair competition against franchisee; preferential treatment defined; sales or leases to federal government or employees; sales of leased vehicles; manufacturer's e-commerce websites.

(A) It is unlawful for a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor to own, operate, or control or to participate in the ownership, operation, or control of a new motor vehicle dealer in this State, to establish in this State an additional dealer or dealership in which that person or entity has an interest, or to own, operate, or control, directly or indirectly, an interest in a dealer or dealership in this State, excluding a passive interest in a publicly traded corporation held for

investment purposes. This subsection does not prohibit the ownership, operation, or control of a new motor vehicle dealer by a manufacturer or franchisor:

(1) for a temporary period, not to exceed one year, during the transition from one owner or operator to another, except that on a showing by a manufacturer or franchisor of good cause, a court of competent jurisdiction may extend this time limit for periods up to an additional twelve months;

(2) during a period in which the new motor vehicle dealer is being sold pursuant to a bona fide contract, shareholder agreement, or purchase option to the operator of the dealership; or

(3) at the same location at which the manufacturer or franchisor has been engaged in the retail sale of new motor vehicles as the owner, operator, or controller of the dealership for a continuous two-year period of time immediately before January 1, 2000, where there is no prospective new motor vehicle dealer available to own or operate the dealership in a manner consistent with the public interest.

(B)(1) It is unlawful for a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor to compete unfairly with a new motor vehicle dealer of the same line make operating pursuant to a franchise in the State of South Carolina. Except as otherwise provided in this subsection, the mere ownership, operation, or control of a new motor vehicle dealer by a manufacturer or franchisor pursuant to the conditions set forth in subsection (A) of this section is not a violation of this subsection.

(2) For purposes of this subsection, a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor is conclusively presumed to be competing unfairly if it gives preferential treatment to a dealer or dealership in which an interest is directly or indirectly owned, operated, or controlled by the manufacturer or franchisor or any partner, affiliate, wholly or partially owned subsidiary, officer, or representative of the manufacturer or franchisor, expressly including, but not limited to, preferential treatment regarding the direct or indirect cost of vehicles or parts, the availability or allocation of vehicles or parts, the availability or allocation of special or program vehicles, the provision of service and service support, the availability of or participation in special programs, the administration of warranty policy, the availability or allocation of factory rebates, or the availability and use of after warranty adjustments, advertising, floor planning, or financing or financing programs.

(C) It is unlawful for a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor to own a facility that engages primarily in the repair of motor vehicles, except motor homes, if the repairs are performed pursuant to the terms of a franchise or other agreement or the repairs are performed as part of a manufacturer's or franchisor's warranty. Nothing in this subsection prohibits a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor from owning a facility to perform warranty or other repairs on motor vehicles owned and operated by the manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor.

(D) Except as may be provided otherwise in subsections (A) and (B) of this section, a manufacturer or franchisor may not sell, directly or indirectly, a motor vehicle to a consumer in this State, except through a new motor vehicle dealer holding a franchise for the line make that includes the motor vehicle. This subsection does not apply to manufacturer or franchisor sales of

new motor vehicles to the federal government, nor to manufacturer or franchisor leases of new motor vehicles to employees of the manufacturer or franchisor. Nothing in this subsection prohibits a manufacturer or franchisor or any parent, affiliate, wholly or partially owned subsidiary, officer, or representative of a manufacturer or franchisor operating as a motor vehicle lessor from selling a motor vehicle to the lessee at the conclusion of a lease agreement between the two parties. Nothing in this subsection prevents a manufacturer or franchisor from establishing an e-commerce website for the purpose of referring prospective customers to motor vehicle dealers holding a franchise for the same line make of the manufacturer or franchisor.

HISTORY: 2000 Act No. 287, Section 2.

**SECTION 56-15-46.** Notice of intent to establish or relocate competing dealership; injunction.

(A) A franchisor that intends to establish a new dealership or to relocate a current dealership for a particular line-make motor vehicle within a ten-mile radius of an existing dealership of the same line-make motor vehicle shall give written notice of that intent by certified mail to the existing dealership. The notice must include the:

- (1) specific location of the additional or relocated dealership;
- (2) date of commencement of operation of the additional or relocated dealership at the new location;
- (3) identities of all existing dealerships located in the market area of the new or relocated dealership; and
- (4) names and addresses of the dealer and principals in the new or relocated dealership.

(B) If a franchisor intends to establish a new dealership or to relocate a current dealership within a ten-mile radius of an existing dealership, then that existing dealership may petition the court, within sixty days of the receipt of the notice, to enjoin or prohibit the establishment of the new or relocated dealership within a ten-mile radius of the existing dealership. The court shall enjoin or prohibit the establishment of the new or relocated dealership within a ten-mile radius of the protesting dealership unless the franchisor shows by a preponderance of the evidence that the existing dealership is not providing adequate representation of the line-make motor vehicle and that the new or relocated dealership is necessary to provide the public with reliable and convenient sales and service within that area. The burden of proof in establishing adequate representation is on the franchisor. In determining if the existing dealership is providing adequate representation and if the new or relocated dealership is necessary, the court may consider, but is not limited to considering:

- (1) the impact the establishment of the new or relocated dealership will have on consumers, the public interest, and the protesting dealership, except that financial impact may be considered only with respect to the protesting dealership;
- (2) the size and permanency of investment reasonably made and the reasonable obligations incurred by the protesting dealership to perform its obligation pursuant to the dealership's franchise agreement;
- (3) the reasonably expected market penetration of the line-make motor vehicle, after consideration of all factors which may affect the penetration including, but not limited to, demographic factors such as age, income, education, size class preference, product popularity, retail lease transactions, and other factors affecting sales to consumers;
- (4) actions by the franchisor in denying its existing dealership of the same line make the opportunity for reasonable growth, market expansion, or relocation, including the availability of

line-make motor vehicles in keeping with reasonable expectations of the franchisor in providing an adequate number of dealerships;

(5) attempts by the franchisor to coerce the protesting dealership into consenting to an additional or relocated dealership of the same line make within a ten-mile radius of the protesting dealership;

(6) distance, travel time, traffic patterns, and accessibility between the protesting dealership of the same line make and the location of the proposed new or relocated dealership;

(7) the likelihood of benefits to consumers from the establishment or relocation of the dealership, which benefits may not be obtained by other geographic or demographic changes or other expected changes within a ten-mile radius of the protesting dealership;

(8) if the protesting dealership is in substantial compliance with its franchise agreement;

(9) if there is adequate interbrand and intrabrand competition with respect to the line-make motor vehicles, including the adequacy of sales and service facilities;

(10) if the establishment or relocation of the proposed dealership appears to be warranted and justified based on economic and market conditions pertinent to dealerships competing within a ten-mile radius of the protesting dealership, including anticipated changes; and

(11) the volume of registrations and service business transacted by the protesting dealership.

(C) This section does not apply to the:

(1) addition of a new dealership at a location that is within a three-mile radius of a former dealership of the same line make and that has been closed for less than two years;

(2) relocation of an existing dealership to a new location that is further away from the protesting dealer's location than the relocated dealer's previous location; or

(3) relocation of an existing dealership to a new location that is within a three-mile radius of the dealership's current location, when it has been at the current location at least ten years.

HISTORY: 2000 Act No. 287, Section 2.

**SECTION 56-15-47.** Designation of successor to the dealership in the event of death or incapacity of motor vehicle dealer; requirements; burden of proof.

A manufacturer may not prevent a motor vehicle dealer from designating a successor to the dealership in the event of death or incapacity of the motor vehicle dealer. The designation may be made by the motor vehicle dealer by will or other written instrument or, in the event of his death or incapacity, by the qualified executor or personal representative of the motor vehicle dealer by will or other written instrument. No individual may succeed to a franchise until the franchisor has been given written notice as to the identity, financial ability, and qualifications of the successor in question. The manufacturer or distributor is not required to accept a succession which does not meet the manufacturer's or distributor's written, reasonable, and uniformly applied minimal standard qualifications. The burden of proof shall be on the manufacturer or distributor to show that the succession does not meet the manufacturer's or distributor's written, reasonable, and uniformly applied minimal standard qualifications.

HISTORY: 2013 Act No. 44, Section 3, eff June 7, 2013.

**SECTION 56-15-50.** Manufacturers shall specify delivery and preparation obligations of dealers; filing of copy of obligations and schedule of compensation.

Every manufacturer shall specify to the dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule or statement of the compensation to be paid or credited to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be filed with the Department of Motor Vehicles by every motor vehicle manufacturer and shall constitute any such dealer's only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on such schedule or statement shall be reasonable and paid or credited as set out in Section 56-15-60.

HISTORY: 1962 Code Section 46-150.155; 1972 (57) 2419; 1993 Act No. 181, Section 1484.

**SECTION 56-15-60.** Fulfillment of warranty agreements; dealers' claims for compensation.

(A)(1) Every manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division must fulfill properly a warranty agreement and compensate adequately and fairly each of its motor vehicle dealers for labor and parts. All warranty claims, service claims, or incentive claims made by motor vehicle dealers pursuant to this section and Section 56-15-50 for labor and parts must be paid within thirty days following their approval. All claims must be either approved or disapproved within thirty days after their receipt. Any claim not specifically disapproved in writing within thirty days of receipt shall be construed as approved and payment must follow within thirty days. The motor vehicle dealer who submits a disapproved claim must be notified in writing of its disapproval within that period, and the notice must state the specific grounds upon which the disapproval is based.

(2) A claim disapproval must be based on a material defect. A manufacturer shall not disapprove claims:

(a) for which the motor vehicle dealer has received preauthorization from the manufacturer or its representative; or

(b) based on the motor vehicle dealer's incidental failure to comply with a specific claim processing requirement that results in a clerical or administrative error.

(3) In the event of neglect, oversight, or mistake by the motor vehicle dealer, the dealer may submit an amended claim for labor and parts up to sixty days from the date on which the manufacturer provided written notice to the motor vehicle dealer of the material defect or deviation. The motor vehicle dealer must substantiate the claim in accordance with the manufacturer's reasonable written procedures.

(4) Any special handling of claims required by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, but not uniformly required of all dealers of that make, may be enforced only after thirty days' notice in writing of good and sufficient reason.

(B) An audit for sales incentives, service incentives, rebates, or other forms of incentive compensation may include only the twelve-month period immediately following the date of the termination of the incentive compensation program. This limitation is not effective in the case of fraudulent claims.

(C) If an audit or other authorized means of review by the manufacturer or franchisor discloses a material defect in the claim, the manufacturer or franchisor may demand reimbursement for funds previously paid to a dealer for warranty service provided the audit is completed within twelve months of filing a claim.

HISTORY: 1962 Code Section 46-150.156; 1972 (57) 2419; 2000 Act No. 287, Section 3; 2013 Act No. 44, Section 4, eff June 7, 2013.

**SECTION 56-15-65.** Requiring change of location or alteration of dealership.

It is unlawful for any manufacturer, distributor, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to change the location of the motor vehicle dealership or to make any substantial alterations to the dealer's premises or facilities unless:

- (1) the manufacturer demonstrates that such change or alteration is reasonable in light of the current market and economic conditions; and
- (2) the motor vehicle dealer has been provided written assurance from the manufacturer or distributor of a sufficient supply of motor vehicles to justify such change or alteration.

HISTORY: 2009 Act No. 52, Section 1, eff upon approval (became law without the Governor's signature on June 3, 2009).

**SECTION 56-15-70.** Certain unreasonable restrictions on dealers or franchisees unlawful.

It shall be unlawful directly or indirectly to impose unreasonable restrictions on the motor vehicle dealer or franchisee relative to transfer, sale, right to renew, termination, discipline, noncompetition covenants, site-control (whether by sublease, collateral pledge of lease, or otherwise), right of first refusal to purchase, option to purchase, compliance with subjective standards and assertion of legal or equitable rights.

HISTORY: 1962 Code Section 46-150.157; 1972 (57) 2419.

**SECTION 56-15-75.** Requiring dealer to refrain from acquiring another line of new motor vehicles.

It is unlawful for any manufacturer, distributor, factory branch, distributor branch, factory representative, or distributor representative to require, coerce, or attempt to coerce any motor vehicle dealer to refrain from participation in the management of, investment in, or acquisition of any other make or line of new motor vehicles or related products if:

- (1) the requirements are unreasonable considering current economic conditions and are not otherwise justified by reasonable business considerations;
- (2) the motor vehicle dealer has maintained a reasonable line of credit for each make or line of a new motor vehicle; and
- (3) the motor vehicle dealer remains in compliance with reasonable capital standards and reasonable facilities requirements specified by the manufacturer.

Reasonable facilities requirements shall not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel, or display space, unless the manufacturer or distributor establishes by a preponderance of the evidence that such requirements are justified by current economic conditions or reasonable business considerations.

HISTORY: 2009 Act No. 52, Section 2, eff upon approval (became law without the Governor's signature on June 3, 2009).

**SECTION 56-15-80.** Agreements to which chapter applies.

The provisions of this chapter shall apply to all written or oral agreements between a manufacturer, wholesaler or distributor with a motor vehicle dealer including, but not limited to, the franchise offering, the franchise agreement, sales of goods, services or advertising, leases or mortgages of real or personal property, promises to pay, security interests, pledges, insurance contracts, advertising contracts, construction or installation contracts, servicing contracts, and all other such agreements in which the manufacturer, wholesaler or distributor has any direct or indirect interest.

HISTORY: 1962 Code Section 46-150.158; 1972 (57) 2419.

**SECTION 56-15-85.** Electronic sale of vehicles.

This chapter does not prohibit a dealership located in this State from contracting with an on-line electronic service to provide motor vehicles to consumers in this State.

HISTORY: 2000 Act No. 287, Section 4.

**SECTION 56-15-90.** Failure to renew, termination or restriction of transfer of franchise; determining reasonable compensation for value of dealership franchise.

(A) Anything to the contrary notwithstanding, it shall be unlawful for the manufacturer, wholesaler, distributor, or franchisor, without due cause, to fail to renew on terms then equally available to all its motor vehicle dealers of the same line-make, to terminate a franchise or to unreasonably restrict the transfer of a franchise unless the franchisee shall receive fair and reasonable compensation for the value of the business and compensation for its dealership facilities or location as provided in subsection (C).

(B) In determining the fair and reasonable compensation for a business, pursuant to subsection (A) or (D), the value of the business shall include, but not be limited to:

(1) the dealer cost for all new untitled, undamaged, and unaltered motor vehicles in the dealer's inventory purchased from the manufacturer or from another same line-make dealer in the ordinary course of business within eighteen months of termination;

(2) the dealer cost for all new, unused, and undamaged parts listed in the current price catalog and still in the original, resalable merchandising package and in unbroken lots, purchased from the manufacturer or distributor;

(3) the fair market value of signage bearing a trademark or trade name of the manufacturer or line-make purchased from and required by the manufacturer or distributor;

(4) the fair market value of special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment required by and purchased from the manufacturer or distributor, if the tools and equipment are in useable and good condition, normal wear and tear excepted; and

(5) the reasonable cost of return shipping and handling charges incurred as a result of returning such items.

Provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer, the payments required under this section shall be paid by the manufacturer, wholesaler, distributor, or franchisor within ninety days of the effective date of the termination, nonrenewal, or cancellation of a franchise. If the inventory or

other items are subject to a security interest, the manufacturer, wholesaler, distributor, or franchisor may make payment jointly to the dealer and the holder of the security interest.

(C) Within ninety days of the termination, cancellation, or nonrenewal of a franchise by a manufacturer, wholesaler, distributor, or franchisor, due to a dealer's poor sales and service performance, or due to the discontinuation of a line-make, the party shall pay the franchisee an amount equal to:

(1) the franchisee's reasonable cost to rent or lease its dealership facility or location for one year or the unexpired term of the lease or rental period, whichever is less; or

(2) the reasonable rental value of the facilities or location for one year if the franchisee owns the facility or location.

If more than one franchise is being terminated, canceled, or not renewed, the reimbursement shall be prorated equally among the different manufacturers, wholesalers, distributors, and franchisors. If the facility is used for the operations of more than one franchise and only one is being terminated, the reasonable rent shall be paid based upon the prorated portion of new vehicle sales for the previous year attributable to the line-make being terminated, canceled, or nonrenewed for the prior one-year period.

(D) In the event a franchisee terminates the franchise agreement with the manufacturer, wholesaler, distributor, or franchisor, it is unlawful for the manufacturer, wholesaler, distributor, or franchisor to not abide by the provisions included in subsection (B) in determining fair and reasonable compensation to the dealer. However, the requirements of subsection (B) do not apply to a termination, cancellation, or nonrenewal due to the sale of the assets or stock of a motor vehicle franchisee.

(E) In the case of a franchise for motor homes as defined in Section 56-15-10(q), subsections (B), (C), and (D) do not apply.

HISTORY: 1962 Code Section 46-150.159; 1972 (57) 2419; 2009 Act No. 52, Section 3, eff upon approval (became law without the Governor's signature on June 3, 2009).

**SECTION 56-15-95.** Termination or cancellation of franchise or selling agreement; determination of due cause.

(A) A manufacturer may not terminate or cancel a franchise or selling agreement of a motor vehicle dealer without due cause.

(B) The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation regardless of the terms of the franchise or selling agreement.

(C) In determining whether due cause exists, the court shall take into consideration:

(1) the motor vehicle dealer's sales in relation to the business available to the motor vehicle dealer;

(2) the motor vehicle dealer's investments and obligations;

(3) whether the motor vehicle dealer was provided adequate inventory;

(4) injury to the public welfare;

(5) the adequacy of the motor vehicle dealer's sales and service facilities, equipment, and parts;

(6) the qualifications of the management, sales, and service personnel to provide the consumer with reasonably good service and care of new motor vehicles;

(7) the motor vehicle dealer's failure to comply with the requirements of the franchise agreement;

- (8) the opportunity to cure the alleged breach; and
- (9) the harm caused to the manufacturer or distributor.

HISTORY: 2013 Act No. 44, Section 5, eff June 7, 2013.

**SECTION 56-15-96.** Measurement of dealership performance; burden of proof.

(A) A performance standard, sales effectiveness standard, sales objective, or program for measuring dealership performance that may have a material effect on a motor vehicle dealer including, but not limited to, his right to payment under any incentive or reimbursement program, shall be fair, reasonable, equitable, based on accurate information, and uniformly applied to other similarly situated motor vehicle dealers.

(B) If a motor vehicle dealer protests a new performance standard, sales effectiveness standard, sales objective, or program for measuring dealership performance, the burden of proof shall be on the manufacturer to show the action is reasonable and justifiable in light of the market conditions.

HISTORY:2013 Act No. 44, Section 6, eff June 7, 2013.

**SECTION 56-15-98.** Alteration of area of responsibility; notice; appeal and injunction; time for performance.

(A) A manufacturer or distributor, officer, agent, or any representative of a manufacturer or distributor may not unreasonably alter a new motor vehicle dealer's area of responsibility.

(B) To alter a new motor vehicle dealer's area of responsibility, a manufacturer or distributor, officer, agent, or any representative of a manufacturer or distributor must provide advance notice to the motor vehicle dealer including an explanation of the basis for the alteration at least sixty days before the effective date of the alteration.

(C)(1) At any time prior to the effective date of an alteration of a new motor vehicle dealer's area of responsibility, and after the completion of any internal appeal process pursuant to the manufacturer's or distributor's policy manual, the motor vehicle dealer may petition the court to enjoin or prohibit the alteration.

(2) The court shall enjoin or prohibit the alteration of a motor vehicle dealer's area of responsibility unless the franchisor shows, by a preponderance of the evidence, that the alteration is reasonable and justifiable in light of market conditions.

(3) If a motor vehicle dealer petitions the court, no alteration to a motor vehicle dealer's area of responsibility shall become effective until a final determination by the court.

(D) If a new motor vehicle dealer's area of responsibility is altered, the manufacturer shall allow twenty-four months for the motor vehicle dealer to become sales effective prior to taking any action claiming a breach or nonperformance of the motor vehicle dealer's sales performance responsibilities.

HISTORY:2013 Act No. 44, Section 7, eff June 7, 2013.

**SECTION 56-15-100.** Discounts, refunds, and other inducements to dealers.

In connection with a sale of a motor vehicle or vehicles to the State or to any political subdivision thereof, no manufacturer, distributor or wholesaler shall offer any discounts, refunds or any other similar type of inducement to any dealer without making the same offer or offers to

all other of its dealers within the relevant market area, and if such inducements are made, the manufacturer, distributor or wholesaler shall give simultaneous notice thereof to all of its dealers within the relevant market area who have requested such notice.

HISTORY: 1962 Code Section 46-150.160; 1972 (57) 2419.

**SECTION 56-15-110.** Suits for damages.

(1) In addition to temporary or permanent injunctive relief as provided in Section 56-15-40(3) (c), any person who shall be injured in his business or property by reason of anything forbidden in this chapter may sue therefor in the court of common pleas and shall recover double the actual damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(2) When such action is one of common or general interest to many persons or when the parties are numerous and it is impracticable to bring them all before the court, one or more may sue for the benefit of the whole, including actions for injunctive relief.

(3) In an action for money damages, if the jury finds that the defendant acted maliciously, the jury may award punitive damages not to exceed three times the actual damages.

(4) A final judgment, order or decree rendered against a person in any civil, criminal or administrative proceeding under the United States antitrust laws, under the Federal Trade Commission Act, or under this chapter shall constitute prima facie evidence against such person subject to the conditions of the United States Antitrust Law (15 U.S.C. 16).

HISTORY: 1962 Code Section 46-150.161; 1972 (57) 2419.

**SECTION 56-15-120.** Limitation of actions.

Actions rising out of any provision of this chapter shall be commenced within four years next after the cause of action accrues; provided, however, that if a person liable hereunder conceals the cause of action from the knowledge of the person entitled to bring it, the period prior to the discovery of his cause of action by the person so entitled shall be excluded in determining the time limited for the commencement of the action. If a cause of action accrues during the pendency of any civil, criminal or administrative proceeding against a person brought by the United States, or any of its agencies, under the antitrust laws, the Federal Trade Commission Act, or any other Federal act, or the laws of the State related to antitrust laws or to franchising, such actions may be commenced within one year after the final disposition of such civil, criminal or administrative proceeding.

HISTORY: 1962 Code Section 46-150.163; 1972 (57) 2419.

**SECTION 56-15-130.** Contracts in violation of chapter void.

Any contract or part thereof or practice thereunder in violation of any provision of this chapter shall be deemed against public policy and shall be void and unenforceable.

HISTORY: 1962 Code Section 46-150.162; 1972 (57) 2419.

**SECTION 56-15-140.** Venue.

In an action brought pursuant to this article, venue is in the State of South Carolina. A provision of a franchise or other agreement with contrary provisions is void and unenforceable.

HISTORY: 2000 Act No. 287, Section 5.

ARTICLE 3  
Dealer or Wholesaler Licenses

**SECTION 56-15-310.** License required; term of license; fee; scope of license; penalty for violation.

(A) Before engaging in business as a dealer or wholesaler in this State, a person first must make application to the Department of Motor Vehicles for a license. Each license issued expires twelve months from the month of issue (licensing period) and must be displayed prominently at the established place of business. The fee for the license is fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Before exhibiting and selling motor homes at temporary locations as permitted above, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

Any person failing to secure a temporary license as required by this section is guilty of a misdemeanor and, upon conviction, must be punished in the same manner as he would be punished for failure to secure his regular dealer's license.

The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than motor homes at authorized temporary locations.

(B) A person who fails to secure either a temporary or a permanent license as required in this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than fifty dollars or more than two hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) not less than two hundred dollars or more than one thousand dollars or imprisoned for not more than six months, or both, for the second offense; and

(3) not less than one thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

For purposes of this section, the sale of each motor vehicle constitutes a separate offense.

HISTORY: 1983 Act No. 118 Section 12; 1988 Act No. 603, Section 2; 1996 Act No. 459, Section 225.

**SECTION 56-15-315.** Off-site displays of automobiles or trucks.

(A) Notwithstanding another provision of law, off-site displays of automobiles or trucks are prohibited except as provided in this section. A licensed South Carolina automobile dealer or

dealer of trucks may display not more than ten automobiles or trucks per licensed dealership off-site only at nonselling temporary events lasting no more than ten days hosted by a South Carolina based: charitable organization as defined in the South Carolina Solicitation of Charitable Funds Act for fundraising purposes; school fundraising event; church fundraising event; town fair, town festival; or any other similar festival or event.

(B) Used automobile or truck dealers may display used automobiles or trucks off-site as provided in this section in the county in which their dealership is located.

(C) Displays may be conducted only by South Carolina licensed dealers. Any automobile or truck displayed must be owned by the dealer. Any person or automobile or truck dealer who violates these provisions is subject to a five hundred dollar fine.

(D) Off-site displays are for display purposes only. Sales or attempts to sell as defined in Section 56-15-10(L), or both, are not permitted off-site. An automobile or truck dealer who sells or attempts to affect the off-site sale of any automobile or truck is in violation of this section and is subject to a two thousand dollar fine. An agent of an automobile or truck dealer who sells or attempts to affect the off-site sale of an automobile or truck is subject to a five hundred dollar fine.

(E) A motor vehicle manufacturer cannot require a franchised automobile or truck dealer to display automobiles or trucks off-site.

(F) Nothing in this section shall prohibit an automobile or truck dealer from participating in one nonselling statewide motor vehicle show in South Carolina per year, or a manufacturer, individual automobile owner or truck owner from displaying their vehicles.

(G) Nothing in this section shall be construed to prevent a licensed dealer from providing vehicles for demonstration or test driving purposes specified in Section 56-3-2320.

(H) The department of Motor Vehicles shall enforce the provisions contained in this section.

HISTORY: 2012 Act No. 181, Section 1, eff May 25, 2012.

**SECTION 56-15-320.** Application for license; bond; duties upon change of circumstances and termination of business.

(A) Before a license as a “wholesaler” or “dealer” is issued to an applicant, he shall file an application with the Department of Motor Vehicles and furnish the information the department may require including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of thirty thousand dollars on a form prescribed by the director of the department. The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a licensed dealer or wholesaler or the dealer’s or wholesaler’s agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter. An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer’s or wholesaler’s surety

upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to thirty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license year, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

HISTORY: 1983 Act No. 118 Section 12; 1993 Act No. 181, Section 1485; 1994 Act No. 497, Part II, Section 121L; 2006 Act No. 298, Section 1, eff May 31, 2006.

**SECTION 56-15-330.** Facilities required for issuance of dealer's license.

No dealer may be issued or allowed to maintain a motor vehicle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motor vehicles which must be the principal business conducted from the fixed location. The sale of motorcycle or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motor vehicle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motor vehicles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motor vehicles.

HISTORY: 1983 Act No. 118 Section 12.

**SECTION 56-15-340.** Records.

(A) Every dealer or wholesaler shall keep complete records of each transaction under which a motor vehicle is transferred for a period of not less than four years from the date of the transaction. The records must show the true name and correct address of the person or persons from whom the motor vehicle was acquired and the date of the transaction; a correct description of the vehicle, when transferred; the true name and correct address of the person to whom the motor vehicle was transferred; and the date of the transaction. The description of the motor

vehicle must include the vehicle identification number, make, model, type of body, and the odometer readings at the time the motor vehicle was transferred to and from the dealer or wholesaler. These records must be open at all reasonable times for inspection and copying by the Department of Motor Vehicles or any of its duly authorized agents.

(B) The records kept by the dealer or wholesaler must be maintained in a reasonably organized and orderly fashion with all entries being legible to the ordinary person upon inspection. Any records which are illegible or incapable of accurate interpretation by either the recordkeeper or the department's inspector or agent are not in compliance with this section.

(C) If any dealer or wholesaler fails to keep the required records or fails to make them available to the department or its duly authorized agents immediately upon a reasonable request, the dealer or wholesaler is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for up to thirty days. The failure to keep or to make available to the department or its duly authorized agents complete records on each separate motor vehicle constitutes a separate offense.

HISTORY: 1983 Act No. 118 Section 12; 1996 Act No. 459, Section 226.

**SECTION 56-15-350.** Denial, suspension, or revocation of license; grounds; procedure.

Any license issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:

- (a) made a material misstatement in the application for the license;
- (b) violated any provision of this chapter;
- (c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a motor vehicle;
- (d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;
- (e) been convicted of any violation of law involving the acquisition or transfer of a title to a motor vehicle or of any violation of law involving tampering with, altering, or removing motor vehicle identification numbers or markings;
- (f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);
- (g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or
- (h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in

advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

HISTORY: 1983 Act No. 118 Section 12; 2006 Act No. 304, Section 1, eff May 24, 2006; 2006 Act No. 381, Section 10, eff June 13, 2006; 2008 Act No. 279, Section 12, eff October 1, 2008.

#### ARTICLE 4 Nonfranchise Automobile Dealer Pre-licensing

**SECTION 56-15-410.** Required pre-licensing education courses.

An applicant for an initial nonfranchise automobile dealer license must complete successfully at least eight hours of pre-licensing education courses before he may be issued a license. At least one shareholder listed on the application for an initial nonfranchise automobile dealer license must comply with the education requirement contained in this section.

HISTORY: 2005 Act No. 9, Section 1, eff January 1, 2004.

**SECTION 56-15-420.** Promulgation of regulations.

The Department of Motor Vehicles shall promulgate regulations to implement the provisions contained in this article.

HISTORY: 2005 Act No. 9, Section 1, eff January 13, 2005; 2012 Act No. 264, Section 7, eff June 18, 2012.

**SECTION 56-15-430.** Applicability to franchised automobile dealers or nonfranchised dealers owned and operated by franchised dealers.

The provisions contained in Sections 56-15-410 and 56-15-420 shall not apply to a franchised automobile dealer or a nonfranchised automobile dealer owned and operated by a franchised automobile dealer.

HISTORY: 2005 Act No. 9, Section 1, eff January 1, 2004.

**SECTION 56-15-440.** Applicability to dealers engaged primarily in motor vehicle salvage.

The provisions contained in Sections 56-15-410 and 56-15-420 shall not apply to a nonfranchised automobile dealer whose primary business is salvage motor vehicles, regulated by Title 56.

HISTORY: 2005 Act No. 9, Section 1, eff January 1, 2004.

**SECTION 56-15-450.** Applicability to dealers primarily engaged in rental of motor vehicles.

The provisions contained in Sections 56-15-410 and 56-15-420 shall not apply to a nonfranchised automobile dealer whose primary business objective and substantial business activity is the rental of motor vehicles, regulated by Title 56.

HISTORY: 2005 Act No. 9, Section 1, eff January 1, 2004.

## ARTICLE 5 Wholesale Motor Vehicle Auctions

### **SECTION 56-15-510.** Definitions.

As used in this article:

(1) "Wholesale motor vehicle auction" is an entity in the business of providing auction services in wholesale transactions at its established place of business, and which does not buy, sell, or own the motor vehicles it auctions in the ordinary course of its business.

(2) "Motor vehicles" with regard to transactions taking place at a wholesale motor vehicle auction include, but are not limited to, motor homes, manufactured homes, recreational vehicles, boats, motorcycles, and motor vehicles as provided for in Section 56-3-20.

HISTORY: 1995 Act No. 70, Section 1.

### **SECTION 56-15-520.** Transfer of title at wholesale motor vehicle auction; content of reassignment of title or bill of sale.

When a transfer of title is made as a result of a transaction at a wholesale motor vehicle auction, the reassignment of title or bill of sale must note the name and address of the wholesale motor vehicle auction. However, the wholesale motor vehicle auction is not deemed to be the owner, seller, transferor, or assignor of title of a motor vehicle by reason of its name appearing on a reassignment of title or bill of sale or by reason of its payment of a guarantee of payment to a seller, receipt of payment from a purchaser, or the reservation of a lien or security interest for the purpose of securing payment from a purchaser.

HISTORY: 1995 Act No. 70, Section 1.

### **SECTION 56-15-530.** Buying or selling motor vehicles in name of wholesale motor vehicle auction.

A wholesale motor vehicle auction is not prohibited from buying or selling motor vehicles in its own name. However, in that instance, it shall comply with the provisions of South Carolina law pertaining to reassignment and delivery of title documents and disclosures to buyers.

HISTORY: 1995 Act No. 70, Section 1.

### **SECTION 56-15-540.** Dealers and persons required by agency or law may purchase or sell at wholesale motor vehicle auction.

A motor vehicle dealer licensed by this or another jurisdiction may purchase or sell motor vehicles at a wholesale motor vehicle auction. A person may purchase or sell motor vehicles at a wholesale motor vehicle auction if required by an agency of government or by law.

HISTORY: 1995 Act No. 70, Section 1.

**SECTION 56-15-550.** Sales through auction of motor vehicles acquired incident to regular business.

The following may sell motor vehicles through a wholesale motor vehicle auction if the motor vehicles are acquired as an incident to regular business:

- (1) manufacturers;
- (2) marine dealers;
- (3) motor vehicle rental businesses;
- (4) motor vehicle lease businesses;
- (5) recreation vehicle dealers;
- (6) sellers of motor vehicle fleets;
- (7) manufacturers;
- (8) public officers while performing their official duties;
- (9) receivers;
- (10) trustees;
- (11) administrators;
- (12) executors;
- (13) guardians;
- (14) insurance companies;
- (15) banks;
- (16) finance companies;
- (17) other loan agencies or their agents.

HISTORY: 1995 Act No. 70, Section 1.

**SECTION 56-15-560.** Application for license for wholesale motor vehicle auction; fee.

Before engaging in business as a wholesale motor vehicle auction in this State, an application must be filed with the Department of Motor Vehicles furnishing the information it requires including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest of the applicant. Each license issued expires twelve months from the month of issuance and must be displayed prominently at the established place of business. The license applies to only one place of business of the applicant and is not transferable to another person or place of business. The fee for the license is fifty dollars.

HISTORY: 1995 Act No. 70, Section 1; 1996 Act No. 459, Section 227.

**SECTION 56-15-570.** Surety bond required.

(A) Each applicant for licensure as a wholesale motor vehicle auction shall furnish a surety bond in the penal amount of fifteen thousand dollars on a form prescribed by the Department of Motor Vehicles. The bond must be given to the department and executed by the applicant as principal and by a corporate surety company authorized to do business in this State as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent

representation made by the licensee in connection with the sale or transfer of a motor vehicle by the licensee or its agent acting for it or within the scope of employment of the agent or loss or damage suffered by reason of a violation by the licensee or its agent of this chapter.

(B) An owner or his legal representative who suffers loss or damage has a right of action against the wholesale motor vehicle auction and against the licensee's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The surety shall notify the department if the bond is canceled. The cancellation does not affect liability incurred or accrued before the cancellation.

HISTORY: 1995 Act No. 70, Section 1; 1996 Act No. 459, Section 228.

**SECTION 56-15-580.** Change of information on application must be reported.

During a license year, if there is a change in the information that a wholesale motor vehicle auction gave the Department of Motor Vehicles to obtain or retain a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

HISTORY: 1995 Act No. 70, Section 1.

**SECTION 56-15-590.** Establishment and retention of records.

(A) A wholesale motor vehicle auction shall establish and retain at its primary place of business complete records in an order appropriate for business requirements and that permits systematic retrieval for five years following the date of sale of each motor vehicle. The records must show the name of the most recent owner other than the wholesale motor vehicle auction, the name of the buyer, the vehicle identification number, and the odometer reading on the date which the wholesale motor vehicle auction took possession of the motor vehicle.

(B) The records kept by the wholesale motor vehicle auction must be maintained in a reasonably organized and orderly fashion with all entries being legible to the ordinary person upon inspection. Records which are illegible or incapable of accurate interpretation by the recordkeeper or the Department of Motor Vehicles' inspector or agent are not in compliance with this section.

(C) If a wholesale motor vehicle auction fails to keep the required records or fails to make them available to the department or its authorized agents immediately upon a reasonable request, the wholesale motor vehicle auction is guilty of a misdemeanor and, upon conviction, is subject to the provisions of Chapter 54 of Title 12.

HISTORY: 1995 Act No. 70, Section 1.

**SECTION 56-15-600.** Wholesale motor vehicle auction license plates.

(A) The Department of Motor Vehicles may issue to a licensed wholesale motor vehicle auction, upon application and payment of the required fee to the department, wholesale motor vehicle auction license plates. The license plates are exclusively for the use of transporting motor vehicles in the course of doing business as a wholesale motor vehicle auction and must not be

attached permanently. The license plate expires twelve months from the month of issuance. The documentation evidencing transport in the ordinary course of doing business as a wholesale motor vehicle auction must be by form approved by the Department of Revenue. The form at all times must accompany the license plates. A person who does not use the license plate exclusively to transport motor vehicles in the course of doing business as a wholesale motor vehicle auction is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars.

(B) Wholesale motor vehicle auction license plates must not be issued by the department unless the wholesale motor vehicle auction furnishes proof in a form acceptable to the department that it has a wholesale motor vehicle auction license as required by this article and that at least twenty sales of motor vehicles have taken place through the wholesale motor vehicle auction in the twelve months preceding its application for a license. The sales requirement may be waived by the department if the wholesale motor vehicle auction has been licensed for less than one year.

(C) A wholesale motor vehicle auction may be issued two license plates for the first twenty vehicles auctioned during the preceding year and one additional license plate for each fifty vehicles auctioned beyond the initial twenty during the preceding year but not to exceed seventy-five license plates. For good cause shown, the department in its discretion may issue additional license plates. If the wholesale motor vehicle auction has been licensed less than one year, the department shall issue a number of license plates based on an estimated number of sales for the coming year. The department may increase or decrease the number of license plates issued based on actual sales made.

(D) The cost of each wholesale motor vehicle auction license plate issued is twenty dollars annually.

HISTORY: 1995 Act No. 70, Section 1.

## CHAPTER 16

### Regulation of Motorcycle Manufacturers, Distributors, Dealers, and Wholesalers

#### **SECTION 56-16-10.** Definitions.

As used in this chapter:

Text of (a) effective until November 19, 2018.

(a) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two wheels in contact with the ground. This section shall not apply to bicycles with helper motors or vehicles defined in Section 56-1-1710.

Text of (a) effective November 19, 2018.

(a) "Motorcycle" is defined in Section 56-1-10. This chapter does not apply to bicycles with helper motors.

(b) "Manufacturer" means any person, resident, or nonresident who manufactures or assembles new motorcycles, or imports for distribution through distributors of motor vehicles, including any person, partnership, or corporation which acts for and is under the control of a manufacturer or assembler in connection with the distribution of motorcycles and includes distributor and factory branch.

(c) "Dealership facilities" means the real estate, buildings, fixtures, and improvements devoted to the conduct of business under the franchise by the new motorcycle dealer.

(d) “Franchise” means the written agreement or contract between any new motorcycle manufacturer, and any new motorcycle dealer which purports to fix the legal rights and liabilities of the parties to such agreement or contract, and pursuant to which the dealer purchases and resells the franchised product or leases or rents the dealership premises.

(e) “Factory branch” means a branch office maintained by a manufacturer which manufactures or assembles motorcycles for sale to distributors or motorcycle dealers or which is maintained for directing and supervising the representatives of the manufacturer.

(f) “Distributor branch” means a branch office maintained by a distributor who sells or distributes new or used motorcycles to motorcycle dealers.

(g) “Factory representative” means a representative employed by a manufacturer or by a factory branch for the purpose of making or promoting the sale of motorcycles or for supervising, servicing, instructing, or contracting with motorcycle dealers or prospective motorcycle dealers.

(h) “Distributor representative” means a representative employed by a distributor branch or distributor.

(i) “Franchiser” means a manufacturer, distributor, or wholesaler who grants a franchise to a motorcycle dealer.

(j) “Franchisee” means a motorcycle dealer to whom a franchise is offered or granted.

(k) “Sale” means the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any motorcycle or interest therein or of any franchise related thereto and any option, subscription, or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether spoken or written. A gift or delivery of any motorcycle or franchise with respect thereto, with or as a bonus on account of the sale of anything, is a sale of such motorcycle or franchise.

(l) “Fraud” means, in addition to its normal legal connotation: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

(m) “Person” means a natural person, corporation, partnership, trust, or other entity, and, in case of an entity, it includes any other entity in which it has a majority interest or effectively controls as well as the individual officers, directors, and other persons in active control of the activities of each such entity.

(n) “New motorcycle” means a motorcycle which has not been previously sold to any person except a distributor or wholesaler or motorcycle dealer for resale.

(o) “Distributor” means any person who sells or distributes new motorcycles to motorcycle dealers or who maintains distributor representatives within the State.

(p) “Dealer” or “motorcycle dealer” means any person who sells or attempts to effect the sale of any motorcycle. These terms do not include:

(1) distributors or wholesalers.

(2) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment, or order of any court.

(3) public officers while performing their official duties.

(4) persons disposing of motorcycles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motorcycles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter.

(5) finance companies or other financial institutions who sell repossessed motorcycles and insurance companies who sell motorcycles they own as an incident to payment made under policies of insurance.

(q) “Wholesaler” or “motorcycle wholesaler” means any person who sells or attempts to effect the sale of any used motorcycle exclusively to motorcycle dealers or to other wholesalers.

(r) [Deleted]

HISTORY: 1984 Act No. 511, Section 1; 1993 Act No. 181, Section 1486; 1996 Act No. 459, Section 246A; 2017 Act No. 89 (H.3247), Section 30, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 30, rewrote (a), providing that “motorcycle” is defined in Section 56-1-10.

**SECTION 56-16-20.** Manufacturer’s specification of dealer’s delivery and preparation obligations.

Every manufacturer shall specify to the dealer the delivery and preparation obligations of its motorcycle dealers prior to delivery of new motorcycles to retail buyers. A copy of the delivery and preparation obligations of its motorcycle dealers and a schedule or statement of the compensation to be paid or credited to its motorcycle dealers for the work and services they are required to perform in connection with the delivery and preparation obligations must be filed with the Department of Motor Vehicles by every motorcycle manufacturer and is a dealer’s only responsibility for product liability as between dealer and manufacturer. The compensation as set forth on such schedule or statement must be reasonable and paid or credited as set out in Section 56-16-30.

HISTORY: 1984 Act No. 511, Section 1; 1993 Act No. 181, Section 1487.

**SECTION 56-16-30.** Obligation to fulfill warranty agreement.

Every manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division shall fulfill any warranty agreement and compensate each of its motorcycle dealers for labor and parts. In determination of what constitutes reasonable compensation under this section, the principal factor to be given consideration is the prevailing wage rates paid by dealers in the community in which the dealer is doing business. The hourly labor rate paid to a dealer for warranty services must not be less than the rate charged by the dealer for like service to nonwarranty customers for nonwarranty service and repairs unless the rate is determined to be unreasonable. Dealers must be reimbursed for the current manufacturer suggested retail price for parts used on warranty work. All claims made by motorcycle dealers hereunder and under Section 56-16-20 for labor and parts must be paid within thirty days following their approval. All such claims are either approved or disapproved within thirty days after their receipt. When any claim is disapproved the motorcycle dealer who submits it must be notified in writing of its disapproval within such period, and each notice shall state the specific grounds upon which the disapproval is based. Any special handling of claims required by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, which is not uniformly required of all dealers of the type make, may be enforced after thirty days’ notice in writing and upon good and sufficient reason.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-40.** Notification to dealerships of manufacturer's intention to establish new dealership or relocate existing dealership; civil action challenging new dealership or relocation.

If a manufacturer seeks to enter into a franchise establishing an additional new motorcycle dealership or relocating an existing new motorcycle dealership in a relevant market area where the line make is represented, the manufacturer shall, in writing, first notify each new motorcycle dealer in this line make in the relevant market area of the intention to establish an additional dealership or to relocate an existing dealership in the market area. The relevant market area is a radius of three miles around an existing dealership. Within fifteen days of receiving the notice or within fifteen days after the end of any appeal procedure provided by the manufacturer, the new motorcycle dealership may commence a civil action in a court of competent jurisdiction challenging the establishing or relocating of the new motorcycle dealership. Thereafter, the manufacturer shall not establish or relocate the proposed new motorcycle dealership unless the court has determined that there is good cause for permitting the establishment or relocation of the motorcycle dealership.

The reopening in a relevant market area of a new motorcycle dealership within two miles of a location at which a former dealership of the same line make had been in operation within the previous two years is not considered the establishment of a new motorcycle dealership.

The relocation of an existing dealer within its area of responsibility as defined in the franchise agreement is not subject to this section if the proposed relocation site is not within five miles of an existing dealer of the same line make.

In determining whether good cause has been established for not entering into or relocating an additional franchise for the same line make, the court shall take into consideration the existing circumstances, including, but not limited to:

- (a) the permanency of the investment;
- (b) the effect on the retail new motorcycle business and the consuming public in the relevant market area;
- (c) whether it is injurious to the public welfare for an additional new motor dealership to be established;
- (d) whether the new motorcycle dealers of the same line make in that relevant market area are providing adequate competition and convenient consumer care for the motorcycles of the line make in the market area including the adequacy of motorcycle sales and service facilities, equipment, supply of motorcycle parts, and qualified service personnel;
- (e) whether the new motorcycle dealers of the same line make in the relevant market area are providing adequate market penetration and representation. Good cause is not shown solely by a desire for further market penetration;
- (f) whether the establishment of an additional new motorcycle dealership would increase competition and therefore be in the public interest; and
- (g) the growth or decline in population and new motorcycle registrations in the relevant market area.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-50.** Compensation of dealer upon termination, nonrenewal, or cancellation of franchise by manufacturer or distributor.

(a) Upon the termination, nonrenewal, or cancellation of any franchise by the manufacturer or distributor, pursuant to this section, the new motorcycle dealer must be allowed fair and reasonable compensation by the manufacturer for the:

(1) new motorcycle inventory which has been acquired from the manufacturer within eighteen months, at a price not to exceed the original manufacturer's price to the dealer, which has not been altered or damaged, and which has not been driven more than two hundred miles, and for which no certificate of title has been issued;

(2) unused, undamaged, and unsold supplies and parts purchased from the manufacturer, at a price not to exceed the original manufacturer's price to the dealer, if the supplies and parts are currently offered for sale by the manufacturer or distributor in its current parts catalogs and are in salable condition;

(3) equipment and furnishings which have not been altered or damaged and which have been required by the manufacturer or distributor to be purchased by the new motorcycle dealer from the manufacturer or distributor, or their approved sources;

(4) special tools which have not been altered or damaged and which have been required by the manufacturer or distributor to be purchased by the new motorcycle dealer from the manufacturer or distributor, or their approved sources, within five years immediately preceding the termination, nonrenewal, or cancellation of the franchise.

(b) Fair and reasonable compensation for the above must be paid by the manufacturer within ninety days of the effective date of termination, cancellation, or nonrenewal, if the new motorcycle dealer has clear title to the inventory and has conveyed title and possession to the manufacturer.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-60.** Manufacturer's compensation of dealer for rental value or rental expense with respect to dealership facilities upon termination, cancellation, or nonrenewal of dealership.

In the event of the termination, cancellation, or nonrenewal by the manufacturer or distributor under this section, except termination, cancellation, or nonrenewal for insolvency, license revocation, conviction of a crime involving moral turpitude, or fraud by a dealer-owner:

(a) Subject to paragraph (c), if the new motorcycle dealer is leasing the dealership facilities from a lessor other than the manufacturer, the manufacturer shall pay the new motorcycle dealer a sum equivalent to the rent for the unexpired term of the lease or one year's rent, whichever is less, or such longer term as is provided in the franchise agreement between the dealer and manufacturer; or

(b) Subject to paragraph (c), if the new motorcycle dealer owns the dealership facilities, the manufacturer shall pay the new motorcycle dealers a sum equivalent to the reasonable rental value of the dealership facilities for one year.

(c) Nothing in this section shall relieve a lessee or owner, from the obligation to mitigate damages under the lease, nor prevent a manufacturer from occupying and using the dealership facilities while paying rent under subsections (a) and (b), nor prevent a manufacturer from obligations by negotiating a lease termination, a sublease, or a new lease. Any amounts recovered by the lessee or owner resulting from mitigation of damages must be deducted from the amount due from the manufacturer.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-70.** Dealer's voluntary cancellation, nonrenewal, or termination of franchise agreement.

The provisions of paragraphs (d) and (e) of Section 56-16-40 are not applicable when the termination, nonrenewal, or cancellation of the franchise agreement is the result of the voluntary act of the dealer.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-80.** Persons to whom chapter applies; jurisdiction of courts.

Any person who engages directly or indirectly in purposeful contacts within this State in connection with the offering or advertising for sale or has business dealings with respect to a motorcycle within this State is subject to the provisions of this chapter and is subject to the jurisdiction of the courts of this State upon service of process in accordance with the provisions of Chapter 9 of Title 15.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-90.** Unfair competition and unfair or deceptive acts or practices.

(a) Unfair methods of competition and unfair or deceptive acts or practices as defined in Section 56-16-100 are declared to be unlawful.

(b) In construing paragraph (a) the courts may be guided by the definitions in the Federal Trade Commission Act (15 U.S.C. 45).

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-100.** Particular unlawful acts; duty of Office of Administrator with regard to investigation and enjoining of abuses involving motorcycles.

(1) It is a violation of paragraph (a) of Section 56-16-90 for any manufacturer, factory branch, factory representative, distributor, or wholesaler, distributor branch, distributor representative, or motorcycle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public.

(2) It is a violation of paragraph (a) of Section 56-16-90 for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, or other representative thereof, to coerce, or attempt to coerce, any motorcycle dealer:

(a) To order or accept delivery of any motorcycle, appliances, equipment, parts, or accessories therefor, or any other commodity or commodities which such motorcycle dealer has not voluntarily ordered.

(b) To order or accept delivery of any motorcycle with special features, appliances, accessories, or equipment not included in the list price of the motorcycle as publicly advertised by the manufacturer thereof.

(c) To order for any person any parts, accessories, equipment, machinery, tools, appliances, or any commodity whatsoever.

(3) It is a violation of paragraph (a) of Section 56-16-90 for a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesale branch or division, or officer, agent, or other representative thereof:

(a) To refuse to deliver, in reasonable quantities and within a reasonable time after receipt of dealer's order, to any motorcycle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor branch or division, factory branch or division, or wholesale branch or division, any such motorcycles as are covered by such franchise or contract specifically publicly advertised by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division to be available for immediate delivery. The failure to deliver any motorcycle is not a violation of this chapter if the failure is due to an act of God, work stoppage, or delay due to a strike or labor difficulty, shortage of materials, freight embargo, or other cause over which the manufacturer, distributor, or wholesaler, or any agent thereof, has no control.

(b) To coerce, or attempt to coerce, any motorcycle dealer to enter into any agreement with such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent, or other representative thereof, or to do any other act prejudicial to such dealer by threatening to cancel any franchise or any contractual agreement existing between such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, and such dealer. Notice in good faith to any motorcycle dealer of such dealer's violation of any terms or provisions of such franchise or contractual agreement is not a violation of this chapter.

(c) To terminate or cancel the franchise or selling agreement of any dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, is an unfair termination or cancellation, regardless of the terms or provisions of the franchise or selling agreement. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent, or other representatives thereof shall notify a motorcycle dealer in writing of the termination or cancellation of the franchise or selling agreement of the dealer at least sixty days before the effective date thereof, stating the specific grounds for such termination or cancellation; and such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent, or other representative thereof shall notify a motorcycle dealer in writing at least sixty days before the contractual term of his franchise or selling agreement expires that it will not be renewed, stating the specific grounds for such nonrenewal in those cases where there is no intention to renew, and in no event shall the contractual term of any such franchise or selling agreement expire, without the written consent of the motorcycle dealer involved, prior to the expiration of at least sixty days following such written notice. During the sixty-day period, either party may in appropriate circumstances petition a court to modify the sixty-day stay or to extend it pending a final determination of the proceedings on the merits. The court has authority to grant preliminary and final injunctive relief.

(d) To resort to or use any false or misleading advertisement in connection with his business as such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesale branch or division, or officer, agent, or other representative thereof.

(e) To offer to sell or to sell any new motorcycle to any motorcycle dealer at a lower actual price therefor than the actual price offered to any other motorcycle dealer for the same model cycle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price. The provisions of this item do not

apply to sales to a motorcycle dealer for resale to any unit of the United States Government, the State, or any of its political subdivisions. The provisions of this paragraph do not apply to sales to a motorcycle dealer of any motorcycle ultimately sold, donated, or used by the dealer in a driver education program. The provisions of this paragraph do not apply so long as a manufacturer, distributor, or wholesaler, or any agent thereof, offers to sell or sells new motorcycles to all motorcycle dealers at an equal price. This provision does not apply to sales by manufacturer, distributor, or wholesaler to the United States Government or any agency thereof.

(f) To offer to sell or to sell parts or accessories to any new motorcycle dealer for use in his own business for the purpose of repairing or replacing it on a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motorcycle dealer for similar parts or accessories for use in his own business. In those cases where motorcycle dealers operate and serve as wholesalers of parts and accessories to retail outlets or other dealers, whether or not the dealer is regularly designated as a wholesaler, nothing herein contained may be construed to prevent a manufacturer, distributor, or wholesaler, or any agent thereof, from selling to a motorcycle dealer who operates and services as a wholesaler of parts and accessories, such parts and accessories as may be ordered by such motorcycle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motorcycle dealer who does not operate or serve as a wholesaler of parts and accessories.

(g) To prevent or attempt to prevent by contract or otherwise, any motorcycle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the dealer at all times meets any reasonable capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, and provided the change by the dealer does not result in a change in the executive management of the dealership.

(h) To prevent or attempt to prevent by contract or otherwise, any motorcycle dealer or any officer, partner, or stockholder of any motorcycle dealer from selling or transferring any part of the interest of any of them to any other person or party. No dealer, officer, partner, or stockholder has the right to sell, transfer, or assign the franchise or power of management or control thereunder without the consent of the manufacturer, distributor, or wholesaler except that the consent is being unreasonably withheld.

(i) To obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motorcycle dealer does business, on account of or in relation to the transactions between the dealer and such other person, unless the benefit is promptly accounted for and transmitted to the motorcycle dealer.

(j) To require a motorcycle dealer to assent to a release, assignment, novation, waiver, or estoppel which would relieve any person from liability imposed by this chapter.

(4) It is a violation of paragraph (a) of Section 56-16-90 for a motorcycle dealer:

(a) To require a purchaser of a new motorcycle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts, or accessories not desired or requested by the purchaser. This prohibition does not apply as to special features, appliances, equipment, parts, or accessories which are already installed on the motorcycle when received by the dealer provided the motorcycle dealer prior to the consummation of the purchase reveals to the purchaser the substance of this paragraph.

(b) To represent and sell as a new motorcycle any motorcycle which has been used and operated for demonstration purposes or which is otherwise a used motorcycle.

(c) To resort to or use any false or misleading advertisement in connection with his business as such motorcycle dealer.

(5) There is created the Office of Administrator, within the Attorney General's office, and he shall appoint such personnel within his office for the purpose of regulating this chapter. The Administrator has the power to investigate, issue cease and desist orders and injunctive relief on any valid abuse connected with the sale, rental, or leasing of a new or used motorcycle. This power only applies after reasonable attempts by the consumer have been made with the seller, dealer, manufacturer, or lessor of the motorcycle to alleviate the complaint.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-110.** Manufacturer's specification of dealer's delivery and preparation obligations.

Every manufacturer shall specify to the dealer the delivery and preparation obligations of its motorcycle dealers prior to delivery of new motorcycles to retail buyers. A copy of the delivery and preparation obligations of its motorcycle dealers and a schedule or statement of the compensation to be paid or credited to its motorcycle dealers for the work and services they are required to perform in connection with such delivery and preparation obligations must be filed with the Department of Motor Vehicles by every motorcycle manufacturer and shall constitute any such dealer's only responsibility for product liability as between the dealer and the manufacturer. The compensation as set forth on the schedule or statement is reasonable and paid or credited as set out in Section 56-16-30.

HISTORY: 1984 Act No. 511, Section 1; 1993 Act No. 181, Section 1488.

**SECTION 56-16-120.** Imposition of restrictions on motorcycle dealer or franchisee.

It is unlawful directly or indirectly to impose unreasonable restrictions on the motorcycle dealer or franchisee relative to transfer, sale, right to renew, termination, discipline, noncompetition covenants, site-control (whether by sublease, collateral pledge of lease, or otherwise), right of first refusal to purchase, option to purchase, compliance with subjective standards, and assertion of legal or equitable rights.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-130.** Manufacturer's, distributor's, or wholesaler's offer of inducement to dealer in connection with sale of motorcycle to state or political subdivision.

In connection with a sale of a motorcycle to the State or to any political subdivision thereof, no manufacturer, distributor, or wholesaler may offer any discounts, refunds, or any other similar type of inducement to any dealer without making the same offer to all other of its dealers within the relevant market area and, if such inducements are made, the manufacturer, distributor, or wholesaler must give simultaneous notice thereof to all of its dealers within the relevant market area who have requested such notice.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-140.** License for dealer or wholesaler; exhibition license; fees; penalties for noncompliance.

(A)(1) Before engaging in business as a motorcycle dealer or wholesaler in this State, every person must first make application to the Department of Motor Vehicles for a license. Every license issued expires twelve months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

(2)(a) A licensed dealer may exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a dealer's exhibition license. Before exhibiting motorcycles and their related products as provided in this item, the dealer shall first apply to the department for an exhibition license. The applicant shall provide the department with the name, location, and dates of the particular exhibition for which he is seeking an exhibition license.

(b) A dealer must hold a valid dealer's license pursuant to this section to be issued an exhibition license. Exhibition licenses are valid for a period not to exceed ten consecutive days, must be prominently displayed at the exhibition site, apply to only the licensee, and may not be transferred to another dealer or exhibition location. A dealer may not purchase more than six exhibition licenses in any licensing period.

(B) A person who fails to secure a license as required in this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than fifty dollars nor more than two hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

For purposes of this subsection, the sale of each motorcycle constitutes a separate offense.

HISTORY: 1984 Act No. 511, Section 1; 1996 Act No. 459, Section 229; 2014 Act No. 217 (S.998), Section 1, eff June 2, 2014.

**SECTION 56-16-150.** Application for dealer's or wholesaler's license; bond; duty to notify Department of Motor Vehicles where information given by applicant changes or licensee ceases operations.

(1) Before any license as a "wholesaler" or "dealer" is issued to an applicant, he must file an application with the Department of Motor Vehicles and furnish the information the Department may require, including, but not limited to, information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

(2) Each applicant for licensure as a motorcycle dealer or wholesaler must furnish a surety bond in the penal amount of fifteen thousand dollars on a form to be prescribed by the director of the department. The bond must be given to the Department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by

an owner of a motorcycle, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a motorcycle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent, of any of the provisions of this chapter. An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. A new bond or a proper continuation certificate must be delivered to the Department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred. The surety has the right to terminate its liability under the bond by giving the Department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

(3) If, during any license year, there is any change in the information that a dealer or wholesaler gave the Department in obtaining or retaining a license under this section, the licensee shall report the change to the Department within thirty days after the change occurs on the form the Department requires.

(4) In the event a licensee ceases being a dealer or wholesaler, he shall, within ten days thereafter, notify the Department of this fact and return to the Department any license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

HISTORY: 1984 Act No. 511, Section 1; 1993 Act No. 181, Section 1489.

**SECTION 56-16-160.** Requirement as to dealer's maintenance of bona fide established place of business; size of business; permanent sign.

No dealer may be issued or allowed to maintain a motorcycle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motorcycles which must be the principal business conducted from the fixed location. The sale of motorcycles or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motorcycle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motorcycles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motorcycles.

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-170.** Records of transfers; organization and legibility; penalties.

(A) Every dealer or wholesaler shall keep complete records of each transaction under which a motorcycle is transferred for a period of not less than four years from the date of the transaction. The records must show the true name and correct address of the person or persons from whom the motorcycle was acquired and the date of the transaction; a correct description of the motorcycle, when transferred; the true name and correct address of the person to whom the motorcycle was transferred; and the date of the transaction. The description of the motorcycle must include the motorcycle identification number, make, model, type of body, and the odometer readings at the time the motorcycle was transferred to and from the dealer or wholesaler. These records must be open at all reasonable times for inspection and copying by the Department of Motor Vehicles or any of its duly authorized agents.

(B) The records kept by the dealer or wholesaler must be maintained in a reasonably organized and orderly fashion with all entries being legible to the ordinary person upon inspection. Any records which are illegible or incapable of accurate interpretation by either the recordkeeper or the department's inspector or agent are not in compliance with this section.

(C) If any dealer or wholesaler fails to keep the required records or fails to make them available to the department or its duly authorized agents immediately upon a reasonable request, the dealer or wholesaler is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for up to thirty days. The failure to keep or to make available to the department or its duly authorized agents complete records on each separate motorcycle constitutes a separate offense.

HISTORY: 1984 Act No. 511, Section 1; 1996 Act No. 459, Section 230.

**SECTION 56-16-180.** Denial, suspension, or revocation of license.

Any license issued under this chapter may be denied, suspended, or revoked if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:

- (a) Made a material misstatement in the application for the license;
- (b) Violated any provision of this chapter;
- (c) Been found by a court or competent jurisdiction to have committed any fraud connected with the sale or transfer of a motorcycle;
- (d) Employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;
- (e) Been convicted of any violation of law involving the acquisition or transfer of a title to a motorcycle or of any violation of law involving tampering with, altering, or removing motorcycle identification numbers or markings;
- (f) Been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motorcycle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);
- (g) Refused or failed to comply with the Department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motorcycle transaction as required by this chapter or by state and federal law pertaining to odometer records; or

(h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any motorcycle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

Upon the denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

HISTORY: 1984 Act No. 511, Section 1; 2006 Act No. 304, Section 2, eff May 24, 2006; 2008 Act No. 279, Section 13, eff October 1, 2008.

**SECTION 56-16-200.** Civil actions; damages; effect of judgments as prima facie evidence.

(1) In addition to temporary or permanent injunctive relief as provided in Section 56-16-100(3)(c), any person who is injured in his business or property by reason of anything forbidden in this chapter may sue therefor in the court of common pleas and recover double the actual damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(2) When the action is one of common or general interest to many persons or when the parties are numerous and it is impracticable to bring them all before the court, one or more may sue for the benefit of the whole, including actions for injunctive relief.

(3) In an action for money damages, if the jury finds that the defendant acted maliciously, the jury may award punitive damages not to exceed three times the actual damages.

(4) A final judgment, order, or decree rendered against a person in any civil, criminal, or administrative proceeding under the United States antitrust laws, under the Federal Trade Commission Act, or under this chapter constitutes prima facie evidence against the person subject to the conditions of the United States Antitrust Law (15 U.S.C. Section 16).

HISTORY: 1984 Act No. 511, Section 1.

**SECTION 56-16-210.** Contracts violating provisions of this chapter.

Any contract or part thereof or practice thereunder in violation of any provision of this chapter is against public policy and is void and unenforceable.

HISTORY: 1984 Act No. 511, Section 1.

## CHAPTER 17 Criminal Penalties

**SECTION 56-17-10.** Willful failure to purchase license, keep records, or supply information in violation of law; willful falsification of information.

A person required by a provision of law or by regulation to purchase a license, keep any records, or supply any information, who wilfully fails to purchase a license, keep the records, or supply the information or who wilfully falsifies information so supplied, at the time or times required by law or regulation, in addition to other penalties provided by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than one year, or both, including the cost of prosecution.

HISTORY: 1996 Act No. 459, Section 231.

CHAPTER 19  
Protection of Titles to and Interests in Motor Vehicles

ARTICLE 1  
General Provisions

**SECTION 56-19-10.** Definitions.

Section effective until November 19, 2018. See, also, section 56-19-10 effective November 19, 2018.

For the purposes of this chapter and Chapter 21 of Title 16, the following terms are defined as follows:

(1) "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the chief of police or governing body of a municipality.

(2) "Bicycle" means a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens' tricycles.

(3) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(4) "Dealer" or "motor vehicle dealer" means both "dealer" and "wholesaler", as defined in Chapter 15 of this title.

(5) "Driver" means every person who drives or is in actual physical control of a vehicle.

(6) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(7) [Deleted]

(8) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) "Foreign vehicle" means every vehicle of a type required to be registered under this title brought into this State from another state, territory, or country, other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this State.

(10) "House trailer" means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(11) "Identifying number" means the numbers and letters, if any, on a vehicle designated by the Department of Motor Vehicles for the purpose of identifying the vehicle.

(12) "Implement of husbandry" means every vehicle, including mobile barns, designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(13) "Lienholder" means a person holding a security interest in a vehicle.

(14) "Mail" means to deposit in the United States mail, properly addressed and with postage prepaid.

(15) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this title at an established place of business in this State.

(16) "Motor vehicle" means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(17) "Motorcycle" means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.

(18) "Motor-driven cycle" means every motorcycle, including every motor scooter with a motor which produces not to exceed five horsepower.

(19) "Nonresident" means every person who is not a resident of this State.

(20) "Operator" means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(21) "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

(22) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(23) "Previously registered vehicle" means a vehicle registered in this State on January 1, 1958, or a vehicle whose last registration before that date was in this State.

(24) "Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(25) "Registration" means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

(26) “Road tractor” means every motor vehicle designed and used for drawing other vehicles and not constructed to carry any load on it, either independently or any part of the weight of a vehicle or load drawn.

(27) “School bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

(28) “Security agreement” means a written agreement which reserves or creates a security interest.

(29) “Security interest” means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance, except taxes or attachment liens provided for in Section 29-15-20. The term includes the interest of a lessor under a lease intended as security. A security interest is ‘perfected’ when it is valid against third parties generally, subject only to specific statutory exceptions.

(30) “Semitrailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(31) “Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway including, but not limited to: ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(32) “Specifically constructed vehicle” means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(33) “Trackless trolley coach” means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(34) “Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(35) “Transporter” means every person engaged in the business of delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(36) “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(37) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(38) “Vehicle” means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(39) “Mobile home” means every vehicle which is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but which exceeds the size limitations prescribed in Section 56-3-710 and which cannot be licensed and registered by the Department of Motor Vehicles as a ‘house trailer’.

(40) “Odometer” means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(41) “Odometer reading” means actual cumulative distance traveled disclosed on the odometer.

(42) “Odometer disclosure statement” means a statement, as prescribed by item (d) of subsection (1) of Section 56-19-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(43) “Moped” means, notwithstanding item (2), every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(44) Reserved.

(45) Reserved.

(46) “Commercial truck” or “commercial motor vehicle (CMV)” as defined by the Federal Motor Carrier Safety Administration (FMCSA) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater;

(b) has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater;

(c) is designed to transport sixteen or more passengers, including the driver; or

(d) is of any size and is used in the transportation of hazardous materials as that term is defined in 49 C.F.R. Section 390.5.

(47) “Motor home” means a vehicular unit designed to provide temporary living quarters built into an integral part of or permanently attached to a self-propelled motor vehicle chassis or van which unit contains permanently installed independent life support systems other than low voltage meeting the American National Standards Institute (ANSI) A119.2 Standard for Recreational Vehicles and provides at least four of the following facilities: cooking with onboard power source; gas or electric refrigerator; toilet with exterior evacuation; heating or air conditioning with onboard power source separate from the vehicle engine; a potable water supply system including a faucet, sink, and water tank with an exterior service connection; or separate 110-125 volt electric power supply. For purposes of this definition, a passenger-carrying automobile, truck, or van without permanently installed independent life support systems, including at least four of the indicated facilities, does not constitute a motor home.

(48) “Permanently installed” means built into or attached as an integral part of a chassis or van and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

(49) “Low voltage” means twenty-four volts or less.

(50) “Special mobile equipment” means every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditch-digging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

HISTORY: 1962 Code Section 46-139; 1957 (50) 595; 1972 (57) 2712; 1973 (58) 203, 348; 1974 (58) 2117; 1980 Act No. 385, Section 3; 1983 Act No. 118 Sections 9, 10; 1986 Act No. 528, Sections 13-16; 1991 Act No. 94, Section 8; 1992 Act No. 486, Sections 9, 10; 1993 Act No. 181, Section 1490; 1996 Act No. 459, Sections 232, 246A; 2000 Act No. 375, Section 10; 2008 Act No. 317, Section 2, eff June 19, 2008; 2016 Act No. 245 (H.5089), Section 1, eff February 1, 2017; 2017 Act No. 34 (S.444), Sections 6, 7, eff November 10, 2017.

#### **SECTION 56-19-10. Definitions.**

Section effective November 19, 2018. See, also, section 56-19-10 effective until November 19, 2018.

For the purposes of this chapter and Chapter 21, Title 16, the following terms are defined as follows:

(1) “Authorized emergency vehicle” means vehicles of the fire department, police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the chief of police or governing body of a municipality.

(2) “Bicycle” means a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens’ tricycles.

(3) “Bus” means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(4) “Dealer” or “motor vehicle dealer” means both “dealer” and “wholesaler”, as defined in Chapter 15 of this title.

(5) Reserved.

(6) “Essential parts” means all integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(7) Reserved.

(8) “Farm tractor” means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) “Foreign vehicle” means every vehicle of a type required to be registered under this title brought into this State from another state, territory, or country, other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this State.

(10) “House trailer” means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(11) "Identifying number" means the numbers and letters, if any, on a vehicle designated by the Department of Motor Vehicles for the purpose of identifying the vehicle.

(12) "Implement of husbandry" means every vehicle, including mobile barns, designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(13) "Lienholder" means a person holding a security interest in a vehicle.

(14) "Mail" means to deposit in the United States mail, properly addressed and with postage prepaid.

(15) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this title at an established place of business in this State.

(16) Reserved.

(17) Reserved.

(18) Reserved.

(19) Reserved.

(20) Reserved.

(21) Reserved.

(22) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(23) "Previously registered vehicle" means a vehicle registered in this State on January 1, 1958, or a vehicle whose last registration before that date was in this State.

(24) "Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(25) "Registration" means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

(26) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not constructed to carry any load on it, either independently or any part of the weight of a vehicle or load drawn.

(27) "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

(28) "Security agreement" means a written agreement which reserves or creates a security interest.

(29) "Security interest" means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance, except taxes or attachment liens provided for in Section 29-15-20. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(30) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(31) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway including, but not limited to: ditch-digging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(32) "Specifically constructed vehicle" means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(33) "Trackless trolley coach" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(34) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(35) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(36) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(37) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(38) Reserved.

(39) "Mobile home" means every vehicle which is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but which exceeds the size limitations prescribed in Section 56-3-710 and which cannot be licensed and registered by the Department of Motor Vehicles as a "house trailer".

(40) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(41) "Odometer reading" means actual cumulative distance traveled disclosed on the odometer.

(42) “Odometer disclosure statement” means a statement, as prescribed by item (d) of subsection (1) of Section 56-19-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(43) Reserved.

(44) Reserved.

(45) Reserved.

(46) “Commercial truck” or “commercial motor vehicle (CMV)” as defined by the Federal Motor Carrier Safety Administration (FMCSA) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater;

(b) has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater;

(c) is designed to transport sixteen or more passengers, including the driver; or

(d) is of any size and is used in the transportation of hazardous materials as that term is defined in 49 C.F.R. Section 390.5.

(47) “Motor home” means a vehicular unit designed to provide temporary living quarters built into an integral part of or permanently attached to a self-propelled motor vehicle chassis or van which unit contains permanently installed independent life support systems other than low voltage meeting the American National Standards Institute (ANSI) A119.2 Standard for Recreational Vehicles and provides at least four of the following facilities: cooking with onboard power source; gas or electric refrigerator; toilet with exterior evacuation; heating or air conditioning with onboard power source separate from the vehicle engine; a potable water supply system including a faucet, sink, and water tank with an exterior service connection; or separate 110-125 volt electric power supply. For purposes of this definition, a passenger-carrying automobile, truck, or van without permanently installed independent life support systems, including at least four of the indicated facilities, does not constitute a motor home.

(48) “Permanently installed” means built into or attached as an integral part of a chassis or van and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

(49) “Low voltage” means twenty-four volts or less.

(50) “Special mobile equipment” means every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditch-digging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

HISTORY: 1962 Code Section 46-139; 1957 (50) 595; 1972 (57) 2712; 1973 (58) 203, 348; 1974 (58) 2117; 1980 Act No. 385, Section 3; 1983 Act No. 118 Sections 9, 10; 1986 Act No. 528, Sections 13-16; 1991 Act No. 94, Section 8; 1992 Act No. 486, Sections 9, 10; 1993 Act No. 181, Section 1490; 1996 Act No. 459, Sections 232, 246A; 2000 Act No. 375, Section 10; 2008 Act No. 317, Section 2, eff June 19, 2008; 2016 Act No. 245 (H.5089), Section 1, eff

February 1, 2017; 2017 Act No. 34 (S.444), Sections 6, 7, eff November 10, 2017; 2017 Act No. 89 (H.3247), Section 31, eff November 19, 2018.

Code Commissioner's Note

At the direction of the Code Commissioner, the amendments made by 2017 Act No. 34 and 2017 Act No. 89 were read together.

Effect of Amendment

2017 Act No. 34, Section 6, reserved (44), which related to the definition of "automotive three-wheel vehicle".

2017 Act No. 34, Section 7, reserved (45), which related to the definition of "motorcycle three-wheel vehicle".

2017 Act No. 89, Section 31, reserved (5), (16) to (21), (38), and (43) to (45), which had related to the definitions of "driver", "motor vehicle", "motorcycle", "motor-driven cycle", "nonresident", "operator", "owner", "vehicle", "moped", "Automotive three-wheel vehicle", and "Motorcycle three-wheel vehicle", respectively; and made nonsubstantive changes.

**SECTION 56-19-20.** Administration and enforcement.

The Department of Motor Vehicles is hereby vested with the power and is charged with the duty of observing, administering and enforcing the provisions of this chapter and Chapter 21 of Title 16.

HISTORY: 1962 Code Section 46-140; 1957 (50) 595.

**SECTION 56-19-40.** Department of Motor Vehicles shall examine all applications; investigations; rejections.

The Department of Motor Vehicles shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle or for a certificate of title therefor and of any other application lawfully made to the Department and may in all cases make investigations as may be deemed necessary or require additional information and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

HISTORY: 1962 Code Section 46-142; 1957 (50) 595.

**SECTION 56-19-50.** Department of Motor Vehicles shall seize expired, fictitious and certain other certificates, cards, permits, licenses, and plates.

The Department of Motor Vehicles may take possession of any certificate of title, registration card, permit, license or registration plate issued by it (a) upon expiration, revocation, cancellation or suspension thereof, (b) which is fictitious or (c) which has been unlawfully or erroneously issued.

HISTORY: 1962 Code Section 46-143; 1957 (50) 595.

**SECTION 56-19-60.** Method of giving notice; proof of service.

Whenever the Department of Motor Vehicles is authorized or required to give any notice under this chapter or Chapter 21 of Title 16, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to

the person to be so notified or by deposit in the United States mail of such notice by certified mail in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten days after the deposit of the notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

HISTORY: 1962 Code Section 46-144; 1957 (50) 595.

**SECTION 56-19-70.** Refunds of fees.

Whenever any application to the Department of Motor Vehicles is accompanied by any fee as required by law and such application is refused or rejected, the fee shall be returned to the applicant.

Whenever the Department through error collects any fee not required to be paid under this chapter, the fee may be refunded on its own initiative and shall be refunded to the person paying the fee upon application therefor made within six months after the date of such payment.

HISTORY: 1962 Code Section 46-145; 1957 (50) 595.

**SECTION 56-19-80.** Disposition of fees and penalties.

All fees and penalties collected by the Department of Motor Vehicles pursuant to the provisions of this chapter or Chapter 21 of Title 16 shall be placed in the state general fund for the administration of this chapter and for other department purposes.”

HISTORY: 1962 Code Section 46-146; 1957 (50) 595; 1993 Act No. 181, Section 1491.

**SECTION 56-19-90.** Forms.

The Department of Motor Vehicles shall prescribe and provide suitable forms of applications, certificates of title and all other forms requisite or deemed necessary to carry out the provisions of this chapter and Chapter 21 of Title 16.

HISTORY: 1962 Code Section 46-147; 1957 (50) 595.

**SECTION 56-19-110.** Judicial review of Department of Motor Vehicle’s acts.

A person aggrieved by an act or omission to act by the Department of Motor Vehicles under this chapter or Chapter 21 of Title 16 is also entitled to a review thereof by the circuit court in accordance with laws of this State relating to appeals.

HISTORY: 1962 Code Section 46-149; 1957 (50) 595.

ARTICLE 3  
Certificates of Title

**SECTION 56-19-210.** Certificate of title required to sell or mortgage vehicle or mobile home; exception.

It shall be unlawful for any person to sell or offer for sale or mortgage in this State any vehicle of a type required to be registered and licensed in this State, or any mobile home, unless a certificate of title has been issued therefor and is currently valid; but this provision shall not apply to South Carolina dealers in the sale or offering for sale of new vehicles or mobile homes for which there is a manufacturer's certificate of origin made out to the person offering such vehicle or mobile homes for sale.

HISTORY: 1962 Code Section 46-150; 1957 (50) 595; 1972 (57) 2712.

**SECTION 56-19-220.** Exemption of certain vehicles.

Section effective until November 19, 2018. See, also, section 56-19-220 effective November 19, 2018.

No certificate of title need be obtained for:

- (1) A vehicle owned by the United States unless it is registered in this State;
- (2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by the manufacturer solely for testing;
- (3) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- (4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (5) A vehicle moved solely by animal power;
- (6) An implement of husbandry;
- (7) Special mobile equipment not required to be registered and licensed in this State;
- (8) A pole trailer; and
- (9) Vehicles not required to be licensed and registered in this State, except mobile homes.
- (10) A vehicle used by its manufacturer in a benefit program for the manufacturer's employees.
- (11) A vehicle used by its manufacturer for testing, distribution, evaluation, and promotion, subject to the limitation in Section 56-3-2332(B)(2).

HISTORY: 1962 Code Section 46-150.1; 1957 (50) 595; 1972 (57) 2712; 1997 Act No. 155, Part II, Section 32B.

**SECTION 56-19-220.** Exemption of certain vehicles.

Section effective November 19, 2018. See, also, section 56-19-220 effective until November 19, 2018.

No certificate of title need be obtained for:

- (1) A vehicle owned by the United States unless it is registered in this State;
- (2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by the manufacturer solely for testing;
- (3) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- (4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

- (5) A vehicle moved solely by animal power;
- (6) An implement of husbandry;
- (7) Special mobile equipment not required to be registered and licensed in this State;
- (8) A pole trailer;
- (9) A vehicle not required to be licensed and registered in this State, except mobile homes;
- (10) A vehicle used by its manufacturer in a benefit program for the manufacturer's employees;
- (11) A vehicle used by its manufacturer for testing, distribution, evaluation, and promotion, subject to the limitation in Section 56-3-2332(B)(2); or
- (12) A moped.

HISTORY: 1962 Code Section 46-150.1; 1957 (50) 595; 1972 (57) 2712; 1997 Act No. 155, Part II, Section 32B; 2017 Act No. 89 (H.3247), Section 32, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 32, in (9), substituted "A vehicle" for "Vehicles"; added (12), relating to mopeds; and made nonsubstantive changes.

**SECTION 56-19-230.** Owners shall apply for certificates.

Except as otherwise provided for in this chapter, every owner of a vehicle which is in this State and for which no certificate of title has been issued by the Department of Motor Vehicles shall make application to the Department for a certificate of title of the vehicle.

HISTORY: 1962 Code Section 46-150.2; 1957 (50) 595.

**SECTION 56-19-240.** Application for certificate; form and contents.

(A) An application for a certificate of title for a vehicle in this State must be made by the owner to the Department of Motor Vehicles on the form it prescribes and must contain or be accompanied by:

- (1) if the owner is an individual:
  - (a) the South Carolina residence address of the owner and mailing address, if different from residence address;
  - (b) the full legal name as it appears on the identification provided in item (d);
  - (c) the issuing state and number of the identification provided in item (d);
  - (d) in order to fulfill the requirements in items (a) through (c), the owner must provide one of the following:
    - (i) the owner's South Carolina driver's license or South Carolina identification card;
    - (ii) the owner's home state driver's license or home state special identification card and valid active duty military identification card if the owner is a person on active military duty and is stationed in this State;
    - (iii) the owner's home state driver's license or home state special identification card and proof of enrollment in a school in this State if the owner is a permanent resident of another state but is currently enrolled in a school in this State; or
    - (iv) the owner's home state driver's license or home state special identification card if the owner or co-owner intends to principally garage the vehicle in this State. "Principally garage" means the vehicle is garaged for six or more months of the year on property in this State which is owned, leased, or otherwise lawfully occupied by the owner of the vehicle. The

application for a certificate of title must include the South Carolina residence address of the property where the vehicle is housed;

(2) if the owner is a business:

(a) a social security number, if the business is a sole proprietorship with no employees or a Federal Employer Identification Number (FEIN), if the business has employees; and

(b) a South Carolina physical address of the bona fide place of business operations for the business unless the owner is a bona fide leasing company;

(3) for vehicles that have more than one owner, only one co-owner must provide the information required pursuant to items (1) or (2) of this subsection;

(4) an owner who would otherwise be capable of attaining a driver's license or special identification card from this State, except for a medical or physical condition that can be documented and verified by the department, shall be issued a title and registration if the owner provides a signed affidavit certifying that the owner intends to principally garage the vehicle in this State, that the vehicle will be driven by a driver who is not the owner, and if the owner provides the South Carolina address where the vehicle will be principally garaged;

(5) a description of the vehicle, including, so far as the following data exists, its make, model, year, vehicle identification number, type of body, odometer reading at the time of application, and whether new or used;

(6) the date of acquisition by applicant, the name and address of the person from whom the vehicle was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements;

(7) an odometer disclosure statement made by the transferor of the vehicle and acknowledged by the transferee. The statement must be in compliance with federal guidelines and as prescribed by the department. Where more than one transfer has intervened between the previous certificate of title and the application for a new certificate of title, it must be shown that the certificate of title has been signed by the owner or by the owner's attorney in fact, and there must be for each intervening transfer thereafter a bill of sale in a form approved by the department, including a completed odometer disclosure statement. Additionally, the odometer disclosure statement on the application form must be completed by the applicant;

(8) any further information or documentation the department reasonably requires to enable it to determine: the identity of the vehicle, whether the owner is entitled to a certificate of title, the existence or nonexistence of security interests in the vehicle, and the accuracy of the odometer disclosure statement.

(B) If the application is not for the first certificate of title, it shall be accompanied by the last certificate of title previously issued for the vehicle, whether issued by this State or another state or country.

(C) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer promptly shall mail or deliver the application to the department. If the application refers to a new vehicle purchased from a dealer, the application also shall be accompanied by the manufacturer's certificate of origin.

(D) The department will issue a title and registration only for vehicles that are physically located and primarily operated in this State. Vehicles that are purchased for primary operation in another state or a foreign jurisdiction cannot be titled and registered in South Carolina.

(E) A person who knowingly gives a false statement on the application or knowingly gives a false statement concerning the odometer reading on an odometer disclosure statement is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to one thousand dollars or imprisonment of up to one year, or both. These penalties are in addition to the penalties provided by the federal odometer law 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327).

(F) In addition to the other information required in an application, the application for title for a mobile or manufactured home must include the address of the site on which the home is to be placed if different from the owner's address.

HISTORY: 1962 Code Section 46-150.3; 1957 (50) 595; 1980 Act No. 385, Section 4; 1990 Act No. 577, Section 1; 1994 Act No. 506, Section 15; 1996 Act No. 459, Section 233; 2006 Act No. 304, Section 3, eff May 24, 2006; 2011 Act No. 14, Section 1, eff January 1, 2012; 2012 Act No. 264, Section 8, eff June 18, 2012.

**SECTION 56-19-250.** Department of Motor Vehicles shall check application against list of stolen and converted vehicles.

The Department of Motor Vehicles, upon receiving an application for a first certificate of title, shall check the identifying number of the vehicle shown in the application against the record of stolen and converted vehicles required by Section 56-19-850 to be maintained by the Department.

HISTORY: 1962 Code Section 46-150.4; 1957 (50) 595.

**SECTION 56-19-260.** Filing application; issuance of certificate.

The Department of Motor Vehicles shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

HISTORY: 1962 Code Section 46-150.5; 1957 (50) 595.

**SECTION 56-19-265.** Liens or encumbrances recorded on motor vehicles or titled mobile homes; transmission of lien information; transaction fees; continuation statement.

(A) Any liens or encumbrances on a motor vehicle or titled mobile home must be noted on the printed title or electronically through the Department of Motor Vehicles' Electronic Title and Lien System. The department shall transmit the lien to the first lienholder and notify the first lienholder of additional liens. This transmittal must be done electronically for business entities or by paper certificate for nonbusiness entities (persons purchasing vehicles for personal use from persons selling vehicles they have used primarily for personal use). Lien recordings and subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. Electronic transmission of liens and lien satisfaction does not require a certificate of title until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or mobile home. The owner has the option to retain the electronic copy of the title with the department once all liens are satisfied. When a motor vehicle or mobile home is subject to an electronic lien, the certificate of title for the motor vehicle or mobile home is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements, and a duly

certified copy of the department's electronic record of the lien is admissible in any civil, criminal, or administrative proceeding in this State as evidence of the existence of the lien. The lienholder shall have the option to receive a paper certificate of title and to receive notices of subsequent liens and satisfaction of liens by way of the United States Postal Service. Business entities are subject to fees contained in subsection (D).

(B) The department is authorized to convene a working group chaired by the director of the department or his designee for the purpose of assisting in the development of program specifications governing the transmission of electronic lien information between lienholders and the department, and maximize the use of the program by various lien stakeholders. The working group will be composed of members of the lienholder community, representing applicable industries. The director is authorized to appoint members of the working group to ensure that all stakeholders are represented. The working group will be a standing group convened on a regular basis until all specifications have been developed. The department also is charged with promulgating regulations pursuant to the specifications and standards for lien recording and releasing developed by the working group.

(C) All entities submitting lien information electronically under this program are required to comply with all regulations.

(D) The department is authorized to collect a transaction fee from commercial entities who either transmit or retrieve data from the department pursuant to this section. The fee must not exceed five dollars for each transaction and must be agreed to as part of the program specifications developed by the working group. These fees must be placed by the State Treasurer into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(E) Commercial entities and lenders who either transmit or retrieve data from the department pursuant to this section, notwithstanding Sections 37-2-202 and 37-3-202, may collect transaction fees from owners of the vehicles or mobile homes not to exceed a fee of five dollars for each transaction which must be agreed to as part of the program specifications developed by the working group. All fees charged by the department to any party as to a titled motor vehicle, motor home, or mobile home for purposes of transmittal or retrieval of this data is an "official fee" as referenced in Sections 37-2-202 and 37-3-202.

(F) All businesses and commercial lienholders who are regularly engaged in the business or practice of selling motor vehicles as dealers licensed under Chapter 15 of this title or in the business or practice of financing motor vehicles shall utilize the electronic lien system to transmit and receive electronic lien information as described by subsection (A). The department shall maintain contact information on its website for service providers providing an electronic interface between the department, lienholders and sellers of motor vehicles. The department may establish procedures to ensure businesses comply with use of the electronic lien system and to deal with valid exceptions as determined by the department.

(G) Any lien upon a vehicle titled by the State, except upon vehicles defined as motor homes, mobile homes, special mobile equipment, or commercial trucks, shall be deemed effective for a period of twelve years from the date the lien was perfected. The effectiveness of the lien lapses at the end of this twelve-year period unless a continuation statement is filed pursuant to this subsection by the entity existing on the current title as lienholder using the application process acceptable by the Department of Motor Vehicles. The department shall publish forms for the purpose of filing a continuation statement. The lienholder shall not make application for lien continuation until no more than six months prior to lien expiration. Upon a timely filing of a

continuation statement in accordance with this subsection, the lien will be effective for a period of two additional years from the date of the filing of the continuation statement. The responsibility of lien continuation lies with the lender. The twelve-year effective lien period refers to the age of the lien, not the age of the vehicle.

HISTORY: 2004 Act No. 274, Section 1; 2008 Act No. 290, Section 1, eff June 11, 2008; 2014 Act No. 201 (H.3904), Section 2, eff June 2, 2014; 2016 Act No. 275 (S.1258), Section 82, eff July 1, 2016; 2016 Act No. 245 (H.5089), Section 2, eff February 1, 2017.

**SECTION 56-19-270.** Refusal of certificate.

The Department of Motor Vehicles shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

- (1) The applicant is not the owner of the vehicle;
- (2) The application contains a false or fraudulent statement; or
- (3) The applicant fails to furnish required information or documents or any additional information the Department reasonably requires.

HISTORY: 1962 Code Section 46-150.6; 1957 (50) 595.

**SECTION 56-19-280.** Refusal of certificate; vehicle reported stolen or converted.

When the theft or conversion of a vehicle is reported to the Department of Motor Vehicles pursuant to Sections 56-19-810 or 56-19-820, until the department learns of its recovery or that the report of its theft or conversion was erroneous, it must not issue a certificate of title for the vehicle. A title may be issued on a vehicle that is reported stolen only in cases where the settlement to an insurance company is involved.

HISTORY: 1962 Code Section 46-150.7; 1957 (50) 595; 1996 Act No. 459, Section 234.

**SECTION 56-19-290.** Contents of certificate.

Each certificate of title issued by the Department of Motor Vehicles shall contain:

- (1) The date issued;
- (2) The name and address of the owner;
- (3) The names and addresses of any lienholders, in the order of priority as shown on the application, and dates of the liens, or if the application is based on a certificate of title, as shown on the certificate;
- (4) The title number assigned to the vehicle;
- (5) A description of the vehicle including, so far as the following data exists: its make, model, vehicle identification number, odometer reading at the time of application, and type of body;
- (6) Any other data the Department prescribes.

The certificate of title shall contain forms for assignment and warranty of title by the owner and for reassignment and warranty of title by a dealer and may contain forms for application for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.

HISTORY: 1962 Code Section 46-150.8; 1957 (50) 595; 1980 Act No. 385, Section 5; 1990 Act No. 577, Section 2.

**SECTION 56-19-300.** Contents of certificate for vehicle last registered where lienholders not named on certificate.

A distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country, the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend, "THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED LIEN," and may contain any other information the Department of Motor Vehicles prescribes.

HISTORY: 1962 Code Section 46-150.9; 1957 (50) 595.

**SECTION 56-19-310.** Numbering certificates issued to successive owners; two transfers when auctioneer gives title.

The certificate of title issued to the first owner of a new vehicle must be designated by the letter suffix "A" after the title number. Titles issued to subsequent owners of such a vehicle must be designated "B", "C", "D", and "E" in the order of ownership. Titles issued to subsequent owners shall contain no letter suffix.

HISTORY: 1962 Code Section 46-150.10; 1957 (50) 595; 1996 Act No. 459, Section 235.

**SECTION 56-19-320.** Certificate as prima facie evidence of facts.

A certificate of title issued by the Department of Motor Vehicles is prima facie evidence of the facts appearing on it.

HISTORY: 1962 Code Section 46-150.11; 1957 (50) 595.

**SECTION 56-19-330.** Record of certificates issued.

The Department of Motor Vehicles shall maintain a record of all certificates of title issued by it.

HISTORY: 1962 Code Section 46-150.12; 1957 (50) 595.

**SECTION 56-19-340.** Certificate mailed to first lienholder or, if none, to owner.

The certificate of title must be mailed to the first lienholder named in it or given to the lienholder's authorized agent or, if none, to the owner.

HISTORY: 1962 Code Section 46-150.13; 1957 (50) 595; 1963 (53) 161; 1996 Act No. 459, Section 236.

**SECTION 56-19-350.** Duplicate certificates; surrender of recovered original.

If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the Department of Motor Vehicles, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Department. The duplicate certificate of title shall contain the legend, "THIS IS A DUPLICATE CERTIFICATE AND MAY BE SUBJECT TO

THE RIGHTS OF A PERSON UNDER THE ORIGINAL CERTIFICATE.” It shall be mailed to the owner named in it or his legal representative.

A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the Department.

HISTORY: 1962 Code Section 46-150.14; 1957 (50) 595.

**SECTION 56-19-360.** Procedures for voluntary transfer; duties of transferor and transferee; effective time of transfer.

If an owner, manufacturer or dealer transfers his interest in a vehicle other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to transferee in the space provided therefor on the certificate or as the Department of Motor Vehicles prescribes and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department.

Except as provided in Section 56-19-370, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department prescribes and cause the certificate and application to be mailed or delivered to the Department.

Except as provided in Section 56-19-370, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.

HISTORY: 1962 Code Section 46-150.15; 1957 (50) 595.

**SECTION 56-19-370.** Procedures for voluntary transfer; dealer purchasing vehicle for resale.

If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee’s application for a new certificate.

HISTORY: 1962 Code Section 46-150.16; 1957 (50) 595; 1995 Act No. 42, Section 2.

**SECTION 56-19-380.** Procedures for voluntary transfer; issuance of new certificate.

The Department of Motor Vehicles, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the owner named in it or his legal representative.

HISTORY: 1962 Code Section 46-150.17; 1957 (50) 595.

**SECTION 56-19-390.** Procedures for involuntary transfer or repossession.

(1) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (2) of this section, promptly mail or deliver

to the Department of Motor Vehicles the last certificate of title, if available, proof of the transfer and his application for a new certificate in the form the Department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, or by foreclosure of a statutory lien or sale pursuant to Section 29-15-10, the transferee shall promptly mail or deliver to the department the last certificate of title or order of court pertaining to sale, his application for a new certificate in the form the department prescribes and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the security interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement, or by foreclosure of a statutory lien. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents required to be sent to the department by the transferee, and the department shall, upon request, issue a new title free and clear of prior liens and encumbrances.

HISTORY: 1962 Code Section 46-150.18; 1957 (50) 595; 1977 Act No. 158; 1993 Act No. 181, Section 1492.

**SECTION 56-19-400.** Procedures for involuntary transfer or repossession; issuance of new certificate.

The Department of Motor Vehicles, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to it, the Department shall make demand therefor from the holder thereof.

HISTORY: 1962 Code Section 46-150.19; 1957 (50) 595.

**SECTION 56-19-410.** Procedures for involuntary transfer or repossession; surrender of old certificate; effect of surrender and issuance of new certificate.

A person holding a certificate whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the Department of Motor Vehicles upon request of the Department. The delivery of the certificate pursuant to the request of the Department does not affect the rights of the person surrendering the certificate, and the action of the Department in issuing a new certificate of title as provided in Section 56-19-400 is not conclusive upon the rights of an owner or lienholder named in the old certificate.

HISTORY: 1962 Code Section 46-150.20; 1957 (50) 595.

**SECTION 56-19-420.** Fee; allocation.

(A) The Department of Motor Vehicles shall charge fifteen dollars for:

- (1) the issuance of a certificate of title;
- (2) the transfer of a certificate of title; or
- (3) the issuance of a duplicate certificate of title.

(B) Five dollars of the fee contained in this section must be placed in a special earmarked account by the Comptroller General and must be distributed in the following manner:

(1) the first one million dollars must be credited to the general fund of the State to offset a portion of state individual income tax revenue not collected pursuant to the subsistence allowance allowed pursuant to Section 12-6-1140(6); and

(2) the remainder must be allocated to the Department of Public Safety and used to support highway patrol programs.

(C) Notwithstanding any other provision of law, five dollars of the fee contained in this section must be placed in the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167 by the Comptroller General.

HISTORY: 1962 Code Section 46-150.21; 1957 (50) 595; 1972 (57) 3013, 3088; 1976 Act No. 738 Section 6; 1986 Act No. 540, Part II, Section 42C; 2002 Act No. 349, Section 1; 2003 Act No. 51, Section 16; 2008 Act No. 353, Section 2, Pt 12C.2, eff July 1, 2008; 2016 Act No. 275 (S.1258), Section 83, eff July 1, 2016.

**SECTION 56-19-425.** Fee for furnishing odometer reading.

The Department of Motor Vehicles shall be authorized to charge a fee of three dollars for furnishing the odometer reading or other odometer information concerning a particular vehicle to a requesting party.

HISTORY: 1980 Act No. 385, Section 6; 1993 Act No. 181, Section 1493.

**SECTION 56-19-430.** Assignment of new identifying number; issuance of new, or endorsement of, original certificate.

The Department of Motor Vehicles may assign a new identifying number to a vehicle if it has none, its identifying number is destroyed or obliterated or its motor is changed and shall either issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.

HISTORY: 1962 Code Section 46-150.22; 1957 (50) 595.

**SECTION 56-19-440.** Suspension or revocation of certificate.

The Department of Motor Vehicles shall suspend or revoke a certificate of title:

(1) If it finds

(a) the certificate of title was fraudulently procured or erroneously issued or

(b) the vehicle has been scrapped, dismantled or destroyed;

(2) When the Department determines that the fee has not been paid and such fee is not paid under reasonable notice and demand; or

(3) When the Department determines that the owner has committed any offense under this chapter or Chapter 21 of Title 16 involving the certificate to be suspended or revoked.

HISTORY: 1962 Code Section 46-150.23; 1957 (50) 595.

**SECTION 56-19-450.** Effect of suspension or revocation on validity of security interest.

Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

HISTORY: 1962 Code Section 46-150.24; 1957 (50) 595.

**SECTION 56-19-460.** Surrender of suspended or revoked certificate.

When the Department of Motor Vehicles suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Department.

HISTORY: 1962 Code Section 46-150.25; 1957 (50) 595.

**SECTION 56-19-470.** Seizure of suspended or revoked certificate.

The Department of Motor Vehicles may seize and impound any certificate of title which has been suspended or revoked.

HISTORY: 1962 Code Section 46-150.26; 1957 (50) 595.

**SECTION 56-19-480.** Transfer and surrender of certificates, license plates, registration cards and manufacturers' serial plates of vehicles sold as salvage, abandoned, scrapped, or destroyed.

(A) An owner who scraps, dismantles, destroys, or in any manner disposes to another, except to a demolisher or secondary metals recycler, as wreckage or salvage, a motor vehicle otherwise required to be titled in this State immediately shall mail or deliver to the Department of Motor Vehicles the vehicle's certificate of title notifying the department to whom the vehicle is delivered together with a report indicating the type and severity of any damage to the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle's title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56-5-5670 and 56-5-5945.

(B) If a vehicle is acquired by an insurance company in settlement of a claim to the vehicle by fire, flood, collision, or other causes, or is left with the claimant after being declared a total loss by the insurance company, the company or its agent immediately shall deliver to the department the certificate of title together with a report indicating the type and severity of damage to the vehicle. At such time as the insurance company may thereafter transfer the damaged vehicle, the company or its agent shall notify the department to whom the transfer was made on a form prescribed by the department. Notwithstanding another provision of law, when an insurance company obtains title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as "salvage". The insurance company must pay the title fee contained in Section 56-19-420.

(C) All insurance companies which make payments on liability, collision, fire, theft, or comprehensive policies for damaged motor vehicles in this State shall allow department officials to examine all records of the company which pertain to payments made pursuant to the policies during normal working hours.

(D) Vehicles acquired by insurance companies as outlined above are exempt from ad valorem property taxes and inventory taxes, and the transfers of the vehicles to and from insurance companies exempt from sales taxes.

(E) If a salvage vehicle is rebuilt, a regular certificate of title may not again be issued except upon submission of an application stating that the vehicle has been rebuilt and containing the information ordinarily required by the department for the issuance of a certificate of title as well

as any information the department may require about the identity of the vehicle, the source and cost of any parts used in, and the extent of any repairs or other work done to the vehicle. In addition, the department may require the vehicle to undergo an inspection by the Highway Patrol or someone authorized by the department to check the identity or the safety of the vehicle, or both. Any regular certificate of title issued by the department for a previously salvaged vehicle must be annotated to show that the vehicle was “salvaged-rebuilt” and the reason why the vehicle was salvaged.

(F) The manufacturer’s serial plate or vehicle identification number (VIN) plate must remain with the vehicle at all times until the vehicle is shredded, crushed, melted, or otherwise destroyed.

(G) For purposes of this section, a “wrecked vehicle”, a “salvage vehicle”, and a “vehicle declared to be a total loss” are all synonyms and are defined to be any motor vehicle which is damaged to the extent that the cost of repairing the motor vehicle, including both parts and reasonable market charges for labor, equal or exceed seventy-five percent of the fair market value of the motor vehicle. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. When an insurance company is involved, the fair market value of the vehicle must be determined as of the date immediately before the event which gave rise to the claim. When an insurance company is not involved, then the fair market value must be determined as of the last day on which the vehicle was lawfully operated on a public highway or the last day on which it was registered, whichever is later.

(H) A person violating any provision of this section is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not less than two nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. For a second or subsequent offense, the fine must not be less than five hundred dollars and not more than one thousand dollars or imprisonment for not more than one year, or both.

HISTORY: 1962 Code Section 46-150.27; 1957 (50) 595; 1966 (54) 2303; 1972 (57) 2440; 1985 Act No. 198, Section 1; 1996 Act No. 459, Section 237; 2003 Act No. 52, Sections 1, 2; 2012 Act No. 242, Section 10, eff December 15, 2012.

**SECTION 56-19-485.** Designation of vehicles as “wreckage” or “salvage”, etc.

Notwithstanding any other provision of law, whenever any motor vehicle which qualifies as “wreckage” or “salvage” is transferred in this State pursuant to Section 56-19-480, whether the vehicle was, immediately before such transfer, titled in this State or in another state, the vehicle shall be designated as “wreckage” or “salvage”, as may be applicable, to the extent necessary to inform the transferee of the exact condition of the vehicle. No wrecked or salvaged out-of-state vehicle or South Carolina registered vehicle shall be registered under the laws of this State without such designation, and this designation must be applied to all subsequent transfers of the vehicle.

The provisions of this section apply to transfers of vehicles in all of the circumstances described in Section 56-19-480, whether the vehicle is “totaled”, declared a total loss, “junked”, or “salvaged”.

Notwithstanding the provisions of this section, the owner of a vehicle whose total cost of repair, including all labor and parts, is estimated to be seventy-five percent or more of the fair market value of the vehicle must provide the Department of Motor Vehicles an affidavit from a

person who reconstructs or rebuilds a vehicle indicating the cost of repair along with other data the department may prescribe to obtain a certificate of title. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. A certificate of title issued for a vehicle described in this paragraph must be annotated to indicate the motor vehicle is designated “wreckage” or “salvage” as applicable to the extent necessary to inform the transferee of the exact condition of the vehicle. A wrecked or salvaged out-of-state vehicle or South Carolina registered vehicle may not be registered in this State without this designation, and this designation must be applied to subsequent transfer of the vehicle.

HISTORY: 1995 Act No. 101, Section 1; 2003 Act No. 52, Section 3.

**SECTION 56-19-490.** “Lemon Law” returns; notification; penalties.

(A) In every sale or transfer of a motor vehicle returned to the manufacturer under the provisions of Chapter 28, Title 56, a similar statute of another state, or as the result of a legal action, the title must have the following sentence printed on its face in large, bold, uppercase type: “RETURNED TO MANUFACTURER UNDER LEMON LAW OR OTHER PROCEEDING.” The notice required under the provisions of this subsection must continue to appear on each title issued as a result of any subsequent sale or transfer of that motor vehicle.

(B) Any person who transfers or attempts to transfer a motor vehicle in violation of this section is subject to a fine of not less than five hundred dollars nor more than five thousand dollars if the person had knowledge that the motor vehicle was returned to the manufacturer for failure to meet express warranties under a “lemon law” or other similar proceeding.

HISTORY: 2000 Act No. 287, Section 6.

**SECTION 56-19-495.** Establishment of working group to develop process for titling vehicles for which no title can be provided.

The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles, or the director’s designee, for the purpose of assisting in the development of a process to be used for the titling of vehicles in this State for which no title can be provided, and assisting in the development of forms and regulations pursuant to this section. The working group must consist, at a minimum, of representative stakeholders from the classic car, dealer, insurance and lienholder industries, as well as from law enforcement agencies.

HISTORY: 2012 Act No. 264, Section 12, eff June 18, 2012.

## ARTICLE 4

### Retirement of Title Certificate to Manufactured Homes

**SECTION 56-19-500.** Definitions.

As used in this article:

(1) “Affixed” means that the manufactured home is installed in accordance with the state required installation standards, with wheels, axles, and towing hitch removed, and with the owner of the home having an intention that the manufactured home becomes an improvement to the real property whereon it is situated as evidenced by the filing of the affidavits provided in

this article. The filing of the affidavits provided for in this article is conclusive proof of the intent to affix the manufactured home to real property.

(2) "Division" means the Department of Motor Vehicles.

(3) "Homeowner" means, when referring to a manufactured home for which a title certificate is issued as required by Section 56-19-210, the person identified on the title certificate as the owner of the "manufactured home".

(4) "Manufactured home" means a "mobile home" as defined by law or a structure, transportable in one or more sections, which (a) in the traveling mode is eight body feet or more in width, or forty body feet or more in length, or (b) when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

(5) "Owner" means, when referring to a manufactured home for which the title certificate has been retired either pursuant to the procedure utilized before the effective date of this article by the department or pursuant to this article, the person who owns the real property or has a recorded leasehold estate of thirty-five or more years on the real property upon which the manufactured home has become affixed and the instrument creating the leasehold estate authorizes the lessee to encumber the real property with a lien.

(6) "Retire the title certificate" means to cancel through the procedure established by this article an existing manufactured home title certificate issued by this State.

(7) "Secured party" means any lienholder identified on the title certificate of a manufactured home, or the lender securing a loan through a mortgage, deed of trust, or real estate contract when referring to real property or real property to which a manufactured home has been affixed and the title certificate retired.

(8) "Security interest" means an interest in property to secure payment of a loan made by a secured party to a borrower or a lien created by operation of law.

(9) "Sever" means to physically remove the manufactured home from the real property to which it is affixed.

HISTORY: 2003 Act No. 88, Section 2.

**SECTION 56-19-510.** Owner affixing manufactured home to real property; Manufactured Home Affidavit for the Retirement of Title Certificate; recording and form of affidavit.

(A) An owner of a manufactured home may affix the home to real property by:

(1) installing the home in accordance with the required installation standards and removing the wheels, axles, and towing hitch; and

(2) filing with the register of deeds or clerk of court, as appropriate, for the county in which the manufactured home is located the Manufactured Home Affidavit for the Retirement of Title Certificate in the form prescribed in this article together with proof of ownership as evidenced by a copy of the most recent deed of record or other instrument vesting title, and paying the filing fee required for affidavits by Section 8-21-310.

(B) The register of deeds or clerk of court must record the affidavit as if it were a deed to real property with the homeowner being identified as grantor and give notification to the county assessor.

(C) Upon the filing of the affidavit, the manufactured home is to be treated for all purposes except condemnation as real property and title to the manufactured home is thereby vested in the

lawful owner of the real property to which it is affixed. A warning notice to those filing the affidavit must be included in the affidavit.

(D) The Manufactured Home Affidavit for the Retirement of Title Certificate must be in the following form:

STATE OF SOUTH CAROLINA	)	MANUFACTURED HOME
	)	AFFIDAVIT FOR
	)	RETIREMENT OF TITLE
COUNTY OF _____	)	CERTIFICATE

(1) Name of Owner: \_

(2) Description of Manufactured Home:

Date of Manufacture:
Manufacturer:
Model year:
Make:
Width:
Length:
Identification Number (VIN):

(3) Check whichever is applicable:

\_\_\_\_\_ The above described manufactured home is not subject to a security lien.

\_\_\_\_\_ The above described manufactured home is subject to a security lien and a separate affidavit, as required by law, will be filed naming the secured parties.

(4) Check whichever is applicable:

\_\_\_\_\_ The above described manufactured home is located in a jurisdiction with locally enforced building and safety codes adopted pursuant to Title 6, Chapter 9 and attached to this form is written evidence of compliance with the applicable codes as of the date the manufactured home was permanently affixed to the above described real property. Written evidence of compliance includes, but is not limited to, a copy of a certificate of occupancy, a statement from the code enforcement office, an inspection report, or any documentation of similar effect from the local code enforcement office having the appropriate jurisdiction. Only one document should be attached to this form.

\_\_\_\_\_ The above described manufactured home is not located in a jurisdiction with locally enforced building and safety codes adopted pursuant to Title 6, Chapter 9 applicable to manufactured homes.

(5) Full legal description of the property to which the manufactured home is currently, or is to be, affixed using metes and bounds or reference to recorded plat by book and page. (A separate sheet identified as "Exhibit A" may be attached.)

(6) Derivation: This being the identical or a portion of property conveyed or leased to the owner by deed or lease from \_\_\_\_\_ and recorded \_\_\_\_\_ in Book \_\_\_\_\_ at page \_\_\_\_\_.

Tax map number \_\_\_\_\_

Tax billing address \_\_\_\_\_

(7) The above-described manufactured home is permanently affixed or is to be permanently affixed to the above-described real property and the title certificate is to be retired in accordance with applicable law.

(8) Check if applicable:

\_\_\_\_\_The owner of the manufactured home owns or has a leasehold estate of thirty-five or more years in the real property to which the manufactured home is affixed.

(9) WARNING: the execution and filing of this affidavit transfers ownership of the manufactured home to the lawful owner of the real property to which it is affixed.

The owner certifies that the above information provided by the owner is true and correct to the best information and belief of the owner.

Date:
Signature of owner:
Type or print name of owner
Witness:
Witness:

STATE OF SOUTH CAROLINA	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that (s)he saw \_\_\_\_\_, sign, seal, and deliver the foregoing Affidavit and that (s)he, together with \_\_\_\_\_ witnessed the execution thereof.

SWORN to before me this	
_____ day of	
Notary Public for _____ (L.S.)	
My Commission Expires: _____	

HISTORY: 2003 Act No. 88, Section 2; 2005 Act No. 12, Section 4, eff upon approval (became law without the Governor's signature on January 13, 2005).

**SECTION 56-19-520.** Retirement of the title certificate to a manufactured home; release of lien; Satisfaction Affidavit.

(A) Commencing nine months following the effective date of this article, the Department of Motor Vehicles must retire the title certificate to the manufactured home upon receipt of the following:

(1) a clocked and stamped copy of the Manufactured Home Affidavit for the Retirement of Title Certificate filed with the Register of Deeds or Clerk of Court;

(2) the title certificate for the manufactured home, with either a release of lien or the consent of any secured party to the retirement of the title certificate indicated in writing on the title certificate by each secured party which authorizes the department to cancel its record of any lien as if it had been released. The release of lien may be accomplished by the appropriate notation on the title certificate or by an affidavit on the form provided in this article. Any licensed attorney admitted to practice in this State who can provide proof of payment of funds by evidence of payment made payable to a secured party or other party entitled to receive payment may record or cause to be recorded an affidavit duly executed in the presence of two witnesses and probated or acknowledged which states that full balance or payoff amount of the lien or other instrument securing the payment of money and being a lien upon the manufactured home has been made and that evidence of payment from the secured party exists. This affidavit, duly recorded in the appropriate county, shall serve as notice of satisfaction of the security interest and release of the lien upon the manufactured home. The filing of the affidavit with the department shall be sufficient to satisfy, release, or discharge the lien. This item may not be construed to require an attorney to record an affidavit or to create liability for failure to file the affidavit. The licensed attorney signing the affidavit which is false is guilty of perjury in violation of Section 16-9-10 and shall be liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney's fee incurred in connection with the recovery of the damages;

(3) a receipt demonstrating payment of the most recently billed property taxes for the manufactured home; and

(4) payment of a fee established by the department not to exceed fifty dollars for retirement of the title certificate and, notwithstanding any other provision of law, the fee collected by the department must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(B) The affidavit referred to in subsection (A) must be as follows:

STATE OF SOUTH CAROLINA	)	
	)	SATISFACTION AFFIDAVIT
COUNTY OF _____	)	

The undersigned on oath, being first duly sworn, hereby certifies:

(1) The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

(2) With respect to the security interest given by \_\_\_\_\_ to \_\_\_\_\_ and dated \_\_\_\_\_:

(a) [ ] that the undersigned was given written payoff information and made the payoff and is in possession of a canceled check to the secured party; or

(b) [ ] that the undersigned was given written payoff information and made the payoff by wire transfer or other electronic means to the secured party and has confirmation from the undersigned's bank of the transfer to the account provided by the secured party.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_\_\_ day of \_\_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

Witness: _____	
----------------	--

	Signature
Witness: _____	
	Name (Please print)
	Attorney's Bar Number
	Street Address
	City, State, Zip Code
	Telephone

STATE OF SOUTH CAROLINA	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that he saw \_\_\_\_\_, sign, seal, and deliver the foregoing Affidavit and that he, together with \_\_\_\_\_ witnessed the execution thereof.

Subscribed and sworn to before me  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 Notary Public for \_\_\_\_\_ (L.S.)  
 My commission expires: \_\_\_\_\_

(C) Upon presentation to the department of the material required by this section, the department is directed to mark the lien on the manufactured home satisfied.

HISTORY: 2003 Act No. 88, Section 2; 2016 Act No. 275 (S.1258), Section 84, eff July 1, 2016.

**SECTION 56-19-530.** Records of retired title certificates; written confirmation to homeowner.  
 The Department of Motor Vehicles must maintain a record of each manufactured home title certificate retired under this article, and provide written confirmation of the retirement of the title certificate to the homeowner.

HISTORY: 2003 Act No. 88, Section 2.

**SECTION 56-19-540.** Retirement of title certificate when lien reflected on affidavit but not evidenced by mortgage; separate Manufactured Home Lien Affidavit to be filed; form.

(A) If at the time of the filing of the Manufactured Home Affidavit for the Retirement of Title Certificate by the Register of Deeds or Clerk of Court, the manufactured home is subject to a lien reflected on the affidavit but not otherwise evidenced by a mortgage, then a separate Manufactured Home Lien Affidavit in the form prescribed by this article is also to be filed. Payment must also be made of the filing fee for affidavits provided in Section 8-21-310. Upon filing, the lien becomes a lien against the real property to which the manufactured home is affixed and is to be indexed in the name of the owner identified on the Manufactured Home Lien Affidavit as mortgagor and secured parties, as mortgagees. Any lien on the manufactured home at the time of retirement of the title certificate must be perfected and have priority in the manner provided for a lien on real property.

(B) The Manufactured Home Lien Affidavit must be in the following form:

STATE OF SOUTH CAROLINA	)	MANUFACTURED HOME
	)	LIEN AFFIDAVIT
COUNTY OF _____	)	

(1)	Name of Owner:
(2)	Description of Manufactured Home:
	Date of Manufacture:
	Manufacturer:
	Model year: _____ Make:
	Width: _____ Length:
	Identification Number (VIN):

(3) The above described manufactured home is subject to a security lien and all secured parties with mailing addresses are listed below:

\_\_\_\_\_

(4) Full legal description of new property to which manufactured home is to be affixed using metes and bounds or reference to recorded plat by book and page. (A separate sheet identified as "Exhibit A" may be attached.)

\_\_\_\_\_

(5) Derivation: This being the identical or a portion of property conveyed or leased to the owner by deed or lease from \_\_\_\_\_ and recorded \_\_\_\_\_ in Book \_\_\_\_\_ at page \_\_\_\_\_.

Tax map number \_\_\_\_\_

Tax billing address \_\_\_\_\_

(6) Name of owner of real property if different from owner of manufactured home.

\_\_\_\_\_

(7) The owner of the manufactured home affidavit was recorded on \_\_\_\_\_, in book \_\_\_\_\_, at page \_\_\_\_\_, in the County of \_\_\_\_\_.

The owner certifies that the above information provided by the owner is true and correct to the best information and belief of the owner.

\_\_\_\_\_

Date: _____	
	Signature of Owner
	Type or print name of owner
Witness:	
Witness:	

STATE OF SOUTH CAROLINA	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that he saw \_\_\_\_\_, sign, seal, and deliver the foregoing Affidavit and that he, together with \_\_\_\_\_ witnessed the execution thereof.

\_\_\_\_\_ SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public for \_\_\_\_\_ (L.S.)  
My Commission Expires: \_\_\_\_\_

HISTORY: 2003 Act No. 88, Section 2.

**SECTION 56-19-550.** Severance of manufactured home from real property when it will be affixed to real property in new location; filing of Manufactured Home Severance Affidavit; if not to be affixed to real property, Attorney Affidavit of Security Interests of Record reflecting liens to be filed.

(A) A manufactured home for which the title certificate has been retired may be severed from real property only in accordance with the procedures prescribed in this article. Any person who removes a manufactured home for which the title certificate has been retired from the real property to which it has been affixed in a manner inconsistent with requirements of this article is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars.

(B) If a manufactured home for which the title certificate has been retired is to be severed from the real property to which it is affixed, it is not necessary for the owner of the manufactured home to obtain a new title certificate if the manufactured home is to be affixed to real property in its new location. However, the owner shall file a Manufactured Home Severance Affidavit in the form prescribed in this article with the Register of Deeds or Clerk of Court in the county or counties from which the manufactured home is being moved and where it is to be relocated and pay a fee for the filing of affidavits provided by Section 8-21-310. No manufactured home that is to be severed may be transported without first obtaining the appropriate moving permit and a receipt indicating payment of any taxes accrued, due, or payable on the manufactured home.

(C) The Manufactured Home Severance Affidavit must be in the following form:

STATE OF SOUTH CAROLINA	)	
	)	MANUFACTURED HOME
	)	SEVERANCE AFFIDAVIT
COUNTY OF _____	)	

OWNERS SECTION

(1)	Name of Owner:
(2)	Description of Manufactured Home:
	Date of Manufacture:
	Manufacturer:
	Model year: _____ Make:
	Width: _____ Length:
	Identification Number (VIN):

(3) Check whichever is applicable:

\_\_\_\_\_ The above described manufactured home will be removed from its current location and will not be permanently affixed in a new location.

\_\_\_\_\_ The above described manufactured home will be removed from its current location and will be permanently affixed in a new location.

(4) Full legal description of new property to which manufactured home is to be affixed using metes and bounds or reference to recorded plat by book and page. (A separate sheet identified as "Exhibit A" may be attached.)

(5) Derivation: This being the identical or a portion of property conveyed or leased to the owner by deed or lease from \_\_\_\_\_ and recorded \_\_\_\_\_ in Book \_\_\_\_\_ at page \_\_\_\_\_.

Tax map number \_\_\_\_\_

Tax billing address \_\_\_\_\_

(6) Name of owner of real property if different from owner of manufactured home.

(7) The initial manufactured home affidavit was recorded on \_\_\_\_\_, in book \_\_\_\_\_, at page \_\_\_\_\_, in the County of \_\_\_\_\_.

The owner certifies that the above information provided by the owner is true and correct to the best information and belief of the owner.

Date: _____	
	Signature of Owner
	Type or Print Name of Owner

Witness:	
Witness:	

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that he saw \_\_\_\_\_, sign, seal, and deliver the foregoing affidavit and that he, together with \_\_\_\_\_ witnessed the execution thereof.

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 Notary Public for \_\_\_\_\_ (L.S.)  
 My Commission Expires: \_\_\_\_\_

**SECURED PARTY SECTION**

(1) Names and mailing address of all parties with a security interest in the manufactured home:

\_\_\_\_\_  
 \_\_\_\_\_

(2) Consent to sever. This section must be completed by each secured party and the signature of each must be notarized. By my (our) signature(s) affixed hereto I (we) consent to the severance of the within described manufactured home from the real property identified herein.

Date:	
	Signature of secured party
Witness:	
	Signature of secured party
Witness:	
	Print or type name of secured party
	Print or type name of secured party
Date:	
	Signature of secured party
Witness:	
	Signature of secured party
Witness:	

	Print or type name of secured party
	Print or type name of secured party

STATE OF SOUTH CAROLINA	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that he saw \_\_\_\_\_, sign, seal, and deliver the foregoing consent to sever and that he, together with \_\_\_\_\_ witnessed the execution thereof.

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 Notary Public for \_\_\_\_\_ (L.S.)  
 My Commission Expires: \_\_\_\_\_

(D) If the manufactured home will not be affixed to real property, it is necessary for the owner of the manufactured home to obtain a new title certificate from the Department of Motor Vehicles by filing with the department an application for title on the form prescribed by the department, by paying the fee established by Section 56-19-420, and by furnishing a stamped, clocked copy of the Manufactured Home Severance Affidavit which must contain an affidavit executed by a licensed South Carolina attorney identifying in the order of their priority any secured party having a security interest in the real property. Liens reflected on the Manufactured Home Severance Affidavit must be reflected on the title certificate in order of their priority.

(E) The attorney's affidavit required by subsection (D) must be in the following form:

STATE OF SOUTH CAROLINA	)	ATTORNEY AFFIDAVIT OF
	)	SECURITY INTERESTS OF
COUNTY OF _____	)	RECORD

The undersigned on oath, being duly sworn, hereby certifies as follows:

(1) The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

(2) The undersigned has conducted an examination of the real property records in the office of the Register of Deeds or Clerk of Court in the county of \_\_\_\_\_, and states that the following security interests listed below in their order of priority are recorded and in the undersigned's opinion are perfected as to the manufactured home identified in the attached Severance Affidavit. The parties are listed by name and address in order of priority of security interest:

Date:	
	Signature of attorney

	Printed name of attorney and
	Bar Number
	Street Address
	City, State, Zip Code
Witness:	
Witness:	

STATE OF SOUTH CAROLINA	)	
COUNTY OF _____	)	PROBATE

Before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, who, being duly sworn, deposed and said that he saw \_\_\_\_\_, sign, seal, and deliver the foregoing Affidavit and that he, together with \_\_\_\_\_ witnessed the execution thereof.

SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public for \_\_\_\_\_ (L.S.)  
My Commission Expires: \_\_\_\_\_

(F) If a manufactured home which is to be severed from real property is subject to a lien or mortgage, the manufactured home may not be severed without the notarized, written consent of the lienholder to the severance and the discharge or release of the lien or mortgage as to the manufactured home as provided by law.

(G) Notwithstanding the provisions of this article, the security interest in a manufactured home in which the title certificate has been retired shall continue notwithstanding any relocation unless the lien on the manufactured home has been satisfied of record as required by law as to the satisfaction of liens or the lender indicates consent to the relocation on the Severance Affidavit provided for in subsection (C) and the owner files the affidavit with the Register of Deeds or Clerk of Court with whom the Manufactured Home Affidavit for Retirement of title certificate is filed.

(H) A copy of the application for a new title certificate along with the Manufactured Home Severance Affidavit required by this article must also be filed in the office of the Register of Deeds or Clerk of Court for the county in which is located the real property from which the manufactured home is severed together with payment of the fee for the filing of affidavits provided by Section 8-21-310.

HISTORY: 2003 Act No. 88, Section 2.

**SECTION 56-19-560.** Manufactured home treated as real property.

Upon an owner of a manufactured home meeting all requirements of this article for retiring the title certificate on his manufactured home and having the manufactured home and the real property to which it is affixed classified as real property, the register of deeds or clerk of court in the county where it is located in all indexes and transactions regarding the manufactured home and the real property to which it is affixed must confer upon it the treatment required by Section 56-19-510(C) and may not in any particulars still treat the manufactured home as personal property.

HISTORY: 2005 Act No. 174, Section 1, eff June 7, 2005.

**ARTICLE 5**  
Secured Interests and Other Liens

**SECTION 56-19-610.** Chapter inapplicable to certain liens and security interests.

This chapter does not apply to or affect:

- (1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;
- (2) A lien given by statute to the United States, this State or any political subdivision of this State, if such lien is recorded on the title;
- (3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale; or
- (4) Attachment liens provided for in Section 29-15-20.

HISTORY: 1962 Code Section 46-150.41; 1957 (50) 595.

**SECTION 56-19-620.** Security interest invalid against third parties unless properly perfected.

Unless excepted by Section 56-19-610, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this article. No other recordation shall be necessary to protect the interest of the lienholder.

HISTORY: 1962 Code Section 46-150.42; 1957 (50) 595; 1960 (51) 1730.

**SECTION 56-19-630.** Perfecting security interest; time when effective.

A security interest is perfected by the delivery to the Department of Motor Vehicles of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten days thereafter, otherwise, as of the time of the delivery.

HISTORY: 1962 Code Section 46-150.43; 1957 (50) 595.

**SECTION 56-19-650.** Procedure when owner creates security interest.

If an owner creates a security interest in a vehicle:

- (1) The owner immediately shall execute the application, in the space provided for on the certificate of title or on a separate form the Department of Motor Vehicles prescribes, to name

the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application, and the required fee to be delivered to the lienholder.

(2) The lienholder immediately shall cause the certificate, application, and the required fee to be mailed or delivered to the department.

(3) If the certificate of title is in the possession of a lienholder and a supplemental lien is created by the owner, the subsequent lienholder shall secure the title from the first lienholder and forward to the department the required application and the title for perfecting the lien, together with the required fee. The department when satisfied that the application is in order shall issue a new certificate of title containing the name and address of the new lienholder and mail the certificate to the first lienholder named on it. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

HISTORY: 1962 Code Section 46-150.45; 1957 (50) 595; 1963 (53) 161; 1996 Act No. 459, Section 238.

**SECTION 56-19-660.** Filing notices of security interests; record.

The Department of Motor Vehicles shall file each notice of security interest received by it with the required fee and maintain a record of all notices of security interests filed by it.

HISTORY: 1962 Code Section 46-150.46; 1957 (50) 595.

**SECTION 56-19-670.** Assignment of security interest; perfection; filing.

A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest, and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the Department of Motor Vehicles as provided in this section.

The assignee may, but need not, to perfect the assignment, deliver to the department an assignment by the lienholder in the form the department prescribes with the required fee.

The Department shall file each assignment received by it with the required fee and note the assignee as lienholder upon the record of security interests maintained by the Department pursuant to Section 56-19-660.

HISTORY: 1962 Code Section 46-150.47; 1957 (50) 595; 1990 Act No. 577, Section 3(A).

**SECTION 56-19-680.** Satisfaction of security interest for which certificate is in possession of lienholder; filing release.

(1) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within ten days after demand and, in any event, within thirty days, execute a release of his security interest, in the space provided therefor on the certificate or as the Department of Motor Vehicles prescribes, and mail or deliver the certificate and release to the Department which shall file the release and note it upon the record of security interest maintained by the Department pursuant to Section 56-19-660. The Department shall then

mail the certificate to the next lienholder or if no other lienholder, then to the owner. No charge shall be made by the lienholder for executing such release.

(2) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten days after demand, and, in any event, within thirty days execute a release in duplicate in the form the Department prescribes and deliver or mail a copy to the owner and a copy to the Department for notation upon the record of security interests maintained by the Department pursuant to Section 56-19-660.

(3) Upon failure of the lienholder to forward the certificate to the Department as required by this article he shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 46-150.48; 1957 (50) 595, 1963 (53) 161.

**SECTION 56-19-700.** Security interests in previously registered vehicles not needing certificates unaffected.

This chapter shall in no wise affect or impair any chattel mortgage, lien or other security interest in a previously registered vehicle for which no certificate of title or application for a certificate of title is required under this chapter.

HISTORY: 1962 Code Section 46-150.50; 1957 (50) 595.

**SECTION 56-19-710.** Continuation of security interests previously perfected under other laws.

If a security interest in a previously registered vehicle was perfected under any other applicable law of this State on January 1, 1958, the security interest shall continue perfected until its perfection lapses under the law under which it was perfected or would lapse in the absence of a further recording or until the earlier lapse of two years and nine months from January 1, 1958 and thereafter, if previously perfected under this article.

HISTORY: 1962 Code Section 46-150.51; 1957 (50) 595.

**SECTION 56-19-720.** Sale or security interest not created by terminal rental adjustment clause in motor vehicle or trailer lease.

Notwithstanding another provision of law, a transaction involving a motor vehicle or trailer does not create a sale or security interest merely because the agreement contains a terminal rental adjustment clause which provides that the rental price may be or must be adjusted either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

HISTORY: 1998 Act No. 406, Section 1.

Editor's Note

1998 Act No. 406, Section 2, provides as follows:

"The clarification of existing law in Section 56-19-720 of the 1976 Code as contained in Section 1 of this act must be given effect in all court cases brought on or after the effective date of this act."

ARTICLE 7  
Stolen, Converted, or Unclaimed Vehicles

**SECTION 56-19-810.** Peace officers shall report theft or recovery of vehicles.

A peace officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the Department of Motor Vehicles shall forthwith report the theft or recovery to the Department.

HISTORY: 1962 Code Section 46-150.61; 1957 (50) 595.

**SECTION 56-19-820.** Owners of lienholders may report thefts or conversions; Department of Motor Vehicles may disregard report; recovery to be reported.

An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the Department of Motor Vehicles, but the Department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall forthwith after learning of its recovery report the recovery to the Department.

HISTORY: 1962 Code Section 46-150.62; 1957 (50) 595.

**SECTION 56-19-830.** Liability of officer or agency for acting on false theft report.

No peace officer or government agency shall be criminally or civilly liable for any act done in good faith as a result of a false report of the theft of a vehicle if no liability would have resulted from such act had the report been true.

HISTORY: 1962 Code Section 46-150.63; 1957 (50) 595.

**SECTION 56-19-840.** Unclaimed vehicles in garages and certain other places to be reported; loss of storage lien for failure to report.

A proprietor, an owner, or an operator of any towing company, storage facility, garage, or repair shop or any person who repairs or furnishes any material for the repair of a vehicle, where a vehicle remains unclaimed for a period of thirty days, must report the vehicle as unclaimed to the Department of Motor Vehicles within five days after the expiration of the thirty-day period. The report must be on a form prescribed by the department. The form may be submitted before the thirty-day period expires.

A vehicle is considered "unclaimed" when the owner of the vehicle has not reclaimed it within thirty days after notification pursuant to Sections 29-15-10 and 56-5-5630. A person who fails to report a vehicle as unclaimed in accordance with this section forfeits all claims, liens, or costs associated with the towing and storage.

HISTORY: 1962 Code Section 46-150.64; 1957 (50) 595; 2004 Act No. 269, Section 9.

**SECTION 56-19-850.** Records of reports of stolen, converted, recovered, and unclaimed vehicles; distribution of lists.

The Department of Motor Vehicles shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this

article. The Department may make and distribute weekly lists of such vehicles so reported to it to peace officers.

HISTORY: 1962 Code Section 46-150.65; 1957 (50) 595.

## ARTICLE 9 Titling of All-Terrain Vehicles

**SECTION 56-19-1010.** Title for all-terrain vehicle (ATV); application.

An owner of an ATV may make application to the Department of Motor Vehicles for a title for the vehicle accompanied by the required fee and upon the appropriate form prescribed and furnished by the department. The application must be accompanied by a manufacturer's certificate of origin or previous title properly assigned to the applicant.

HISTORY: 2011 Act No. 24, Section 2, eff July 1, 2011.

**SECTION 56-19-1020.** Application for title of previously-titled all-terrain vehicle (ATV) received by gift, trade, or other means; proof of ownership

When a person who is not a licensed ATV dealer receives by purchase, gift, trade, or by another means a vehicle that was titled in this State, the person who receives the vehicle may make application to the department for a title. The application must be accompanied by the required documents and fee for title. The department shall issue a certificate of title once it has received a properly completed application. An owner of an ATV, before the effective date of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ATV. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ATV is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

HISTORY: 2011 Act No. 24, Section 2, eff July 1, 2011.

**SECTION 56-19-1030.** Title fee for all-terrain vehicle (ATV).

The title fee for an ATV is contained in Section 56-19-420(A). For purposes of this article, an all-terrain vehicle (ATV) is defined as provided in Section 50-26-20.

HISTORY: 2011 Act No. 24, Section 2, eff July 1, 2011.

## CHAPTER 21 Regulation of Traffic at State Institutions

**SECTION 56-21-10.** Governing boards of state institutions may employ security personnel and make traffic regulations.

The governing boards of all State institutions which provide for the operation and parking of vehicles upon the grounds, streets, drives and alleys or any other institutional property under its

control are hereby authorized to employ security personnel and to promulgate such traffic regulations as may be deemed necessary. Such regulations may include the following:

- (1) Fixing the rate of speed;
- (2) Assigning parking spaces and designating parking areas and assessing charges therefor;
- (3) Prohibiting parking in certain areas;
- (4) Removing vehicles parked in violation of regulations at the expense of the violator;
- (5) Instituting a system of registration for vehicle identification;
- (6) Issuing parking and traffic tickets.

HISTORY: 1962 Code Section 46-771; 1972 (57) 2268.

**SECTION 56-21-20.** Unlawful parking at state institutions.

It shall be unlawful for any person to park a vehicle upon any property under the control of a State institution except in the manner designated by such institution.

HISTORY: 1962 Code Section 46-772; 1972 (57) 2268.

**SECTION 56-21-30.** Posting of speed limit and parking regulation signs at state institutions.

Notice of speed limits and parking regulations on property of the State institutions shall be provided by the posting of conspicuous signs in places deemed appropriate.

HISTORY: 1962 Code Section 46-773; 1972 (57) 2268.

**SECTION 56-21-40.** Fines and forfeitures shall go to state institutions.

All fines and bail forfeitures collected under the provisions of Sections 56-21-10 to 56-21-60 shall be deposited in the general fund of the particular State institution wherein the violation occurred.

HISTORY: 1962 Code Section 46-774; 1972 (57) 2268.

**SECTION 56-21-50.** Jurisdiction of courts within area of state institutions; duty of county treasurer receiving fines or forfeitures.

The recorder, judge or the magistrate having jurisdiction within the area where such State institution is situate shall have jurisdiction to hear, try and determine violations of the provisions of Sections 56-21-10 to 56-21-60. The county treasurer who receives fines or bail forfeitures collected by the recorder, judge or magistrate for violations of the provisions of Sections 56-21-10 to 56-21-60 shall remit such fines or forfeitures to the institutions concerned.

HISTORY: 1962 Code Section 46-775; 1972 (57) 2268.

**SECTION 56-21-60.** Penalties for traffic and parking offenses at state institutions.

Any person violating the provisions of Sections 56-21-10 to 56-21-50 shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed one hundred dollars or be imprisoned for a term not to exceed thirty days.

HISTORY: 1962 Code Section 46-776; 1972 (57) 2268.

**SECTION 56-21-70.** Regulation of traffic and parking at State Hospital and Midlands Center; application of state laws.

The South Carolina Department of Mental Health may adopt and promulgate rules and regulations governing and controlling use of the roads, streets and parking facilities by operators of vehicles within the area and lands of the State Hospital and Midlands Center. No such rules and regulations shall be in conflict with any State law on the subject, all of such State laws being hereby declared in force and applicable to the roads, streets and parking facilities under the control and authority of the Department of Mental Health. Copies of the rules and regulations shall be filed with the administrative heads of both institutions, the Secretary of State, the Code Commissioner, the city of Columbia and the magistrate's office in Upper township in Richland County.

HISTORY: 1962 Code Section 46-808; 1959 (51) 484.

**SECTION 56-21-80.** Enforcement of traffic and parking regulations at State Hospital and Midlands Center; summonses.

Marshals employed at both institutions shall enforce the laws, rules and regulations mentioned in Section 56-21-70 and shall issue summonses to all violators in the same manner as provided for highway patrolmen.

HISTORY: 1962 Code Section 46-809; 1959 (51) 484.

**SECTION 56-21-90.** Jurisdiction of traffic and parking offenses at State Hospital and Midlands Center; forfeiture of bond.

Persons violating the provisions of any of the applicable laws, rules or regulations shall be tried by the magistrate or recorder having jurisdiction of the area in which the particular institution is situate; provided, any person who desires to forfeit bond may pay the amount of the minimum fine to the treasurer of the State Hospital or Midlands Center.

HISTORY: 1962 Code Section 46-810; 1959 (51) 484.

**SECTION 56-21-100.** Penalties for traffic and parking offenses at State Hospital and Midlands Center.

Any person violating the provisions of any of the rules and regulations prescribed by the Department of Mental Health shall, upon conviction, be fined not less than two dollars nor more than fifty dollars or be imprisoned for not more than fifteen days, in accordance with the schedule published by the Department. Violations of any other laws shall be punished as provided therefor.

HISTORY: 1962 Code Section 46-811; 1959 (51) 484.

**SECTION 56-21-110.** Fines and forfeitures shall go to State Hospital or Midlands Center.

All fines and bail forfeitures collected under the provisions of Sections 56-21-70 to 56-21-100 shall be credited to the general fund of the State Hospital or Midlands Center, dependent upon where the violation occurred. All fines and bail forfeitures resulting from the enforcement of

Sections 56-21-70 to 56-21-100 shall be forthwith forwarded by the city recorder or magistrate to the State Hospital or Midlands Center to be credited to their respective general funds.

HISTORY: 1962 Code Section 46-812; 1959 (51) 484.

## CHAPTER 23 Driver Training Schools

**SECTION 56-23-10.** Licensing of driver education or training schools; classroom or behind the wheel training licenses.

A person may not engage in the business of training or educating persons to drive or operate motor vehicles or offer training or education to conduct either the classroom or the behind the wheel training, or both, for which a fee or charge is made, unless and until the person has obtained and holds a valid driver training school license issued by the Department of Motor Vehicles. A person may hold a license to teach classroom only or to teach behind the wheel training only. The licensee must have a permanent location in this State and all motor vehicles used for behind the wheel instruction must be registered in this State. If licensed for classroom training only, the motor vehicle requirement shall be waived.

HISTORY: 1962 Code Section 46-193; 1954 (48) 1536; 1993 Act No. 181, Section 1494; 1996 Act No. 459, Section 239; 2006 Act No. 328, Section 1, eff January 1, 2007.

**SECTION 56-23-20.** Certain courses exempt.

Classroom courses offered by state institutions and duly accredited and approved colleges, public, parochial and private high schools in which classroom driver education is part of the curriculum or to employers giving instruction to their licensed employees shall be exempt from registration and license under this chapter. Courses offered to adults under adult education programs shall not qualify for the exemption.

HISTORY: 1962 Code Section 46-194; 1954 (48) 1536; 1976 Act No. 738 Section 3; 1978 Act No. 450 Section 1.

**SECTION 56-23-30.** Application for license.

Applications for driver training school licenses shall be made to the Department of Motor Vehicles on such forms as the Department may prescribe, and all applicants shall furnish such information as may be required by the Department.

HISTORY: 1962 Code Section 46-194.1; 1954 (48) 1536.

**SECTION 56-23-40.** License fees; expiration of license; use of proceeds; corporate bond.

The annual license fee for each driver training school licensed under the provisions of this chapter is fifty dollars. Prior to operation, each licensed driver training school also must obtain a corporate surety bond in the amount of ten thousand dollars. The bond must be given to the department and executed by the applicant as principal, and by a corporate surety company authorized to do business in this State as surety. The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification

for loss or damage suffered by a person having retained services of a driver training school. Licenses issued pursuant to this section expire on June thirtieth of the license year of issue. The proceeds from the sale of driver training school licenses must be placed in the state general fund for the administration and enforcement of this chapter and title.

HISTORY: 1962 Code Section 46-194.2; 1954 (48) 1536; 1993 Act No. 181, Section 1495; 2006 Act No. 328, Section 2, eff January 1, 2007.

**SECTION 56-23-50.** Denial, suspension, or revocation of license.

A license shall be denied any person failing to meet and maintain the minimum standards and conditions of operation established by the Department of Motor Vehicles pursuant to Section 56-23-60. The Department shall also have the right to revoke or suspend any license where the Department finds that the licensee has failed to maintain the required minimum standards or conditions of operation or conducts the school in any way inimical to the public interest or safety on the highways.

HISTORY: 1962 Code Section 46-194.3; 1954 (48) 1536.

**SECTION 56-23-60.** Minimum standards and conditions of operation for schools; inspection of schools.

The Department of Motor Vehicles may establish minimum standards for the operation of driver training schools authorized to be licensed under the provisions of this chapter and prescribe conditions of operation of the schools. The minimum standards must include, but are not limited to, a requirement that driver training schools have or have access to sufficient facilities and equipment to conduct an eight-hour defensive driving course for a minimum of ten students. All activities and operations of licensed driver training schools are at all times subject to inspection or examination by authorized representatives of the department. In addition, records of these activities and operations must be made available at the permanent location in this State for review by the department upon its request.

HISTORY: 1962 Code Section 46-194.4; 1954 (48) 1536; 1988 Act No. 612, Section 2; 2006 Act No. 328, Section 3, eff January 1, 2007.

**SECTION 56-23-70.** Driver instructor qualifying courses; supervision by Department of Motor Vehicles.

Driver instructor qualifying courses may be conducted by recognized college, university, or driving school instructors who successfully have completed an approved forty-hour safety education course from a recognized college or university and have acquired an instructor permit from the Department of Motor Vehicles. Where such qualifying courses are offered, they must be supervised by the department and must be offered at least once a year.

HISTORY: 1962 Code Section 46-194.6; 1974 (58) 2251; 1993 Act No. 181, Section 1496; 2006 Act No. 328, Section 4, eff January 1, 2007.

**SECTION 56-23-80.** Temporary driver instructor permits; fee.

Temporary instructor permits may be issued after special examination by the Department of Motor Vehicles and upon payment of a twenty-dollar fee to the department. Temporary instructor permits are valid for six months and until the next available and approved qualifying class, but in no event shall such permits exceed one year. A temporary driver instructor's activities and instruction are subject to an audit of driving skills and classroom teaching by authorized representatives of the department. The proceeds from the sale of temporary instructor permits must be deposited in the state general fund.

HISTORY: 1962 Code Section 46-194.7; 1974 (58) 2248; 2006 Act No. 328, Section 5, eff January 1, 2007.

**SECTION 56-23-85.** Driver instructor permits required.

A person connected with driver training schools or private, parochial, or public high schools shall not engage in either classroom only instruction, or behind the wheel only instruction, or both, unless the person has obtained and holds a valid driver instructor permit or temporary driver instructor permit issued by the Department of Motor Vehicles.

Appropriate examination for an instructor permit must be at the discretion of the department. The annual fee for an instructor permit is twenty dollars, and all instructor permits expire on June thirtieth. Public and private high school instructors are not required to pay a fee for a permit. The proceeds from the sale of instructor permits must be deposited in the state general fund.

HISTORY: 1962 Code Section 46-194.8; 1976 Act No. 738 Section 4; 1978 Act No. 450 Section 2; 1993 Act No. 181, Section 1497; 2006 Act No. 328, Section 6, eff January 1, 2007.

**SECTION 56-23-87.** Certificate of completion of driver's training course.

A person successfully completing a driver's training course conducted by a person holding a valid driver's instructor permit as provided for in Section 56-23-85 must be issued a certificate of completion by the entity conducting the course in a form consistent with regulations issued by the Department of Motor Vehicles.

HISTORY: 1998 Act No. 258, Section 5.

**SECTION 56-23-90.** Penalties.

Any person violating any provisions of this chapter, or of any driver training school license issued pursuant to this chapter, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both, for such violation.

HISTORY: 1962 Code Section 46-194.5; 1954 (48) 1536.

**SECTION 56-23-100.** Promulgation of regulations.

The Department of Motor Vehicles may promulgate regulations to carry out the provisions contained in this chapter.

HISTORY: 2006 Act No. 328, Section 7, eff January 1, 2007.

CHAPTER 25  
Nonresident Traffic Violator Compacts

**SECTION 56-25-10.** Compacts enacted as law; duty of Department of Motor Vehicles

The Nonresident Traffic Violator Compacts of 1972 and 1977 (compacts) are enacted into law by reference and entered into with all other jurisdictions legally joining therein. The director of the Department of Motor Vehicles shall execute all documents and perform all other acts necessary to carry out the provisions of the compacts. The department shall maintain a current list of those jurisdictions which have entered into the compacts. The list and copies of the compacts shall from time to time be disseminated to those agencies and individuals who are responsible for enforcement of their provisions.

HISTORY: 1980 Act No. 461; 1986 Act No. 383, Section 2; 1993 Act No. 181, Section 1498; 1996 Act No. 459, Section 240.

**SECTION 56-25-20.** Suspension of license for failure to comply with traffic citation or summons for litter violation; notification of licensing authority in compact jurisdiction.

When a South Carolina court or the driver licensing authority of a compact jurisdiction notifies the Department of Motor Vehicles that a resident of South Carolina or person possessing a valid South Carolina driver's license has failed to comply with the terms of a traffic citation or an official Department of Natural Resources summons for a littering violation issued in this or any compact jurisdiction, the department may suspend or refuse to renew the person's driver's license if the notice from a South Carolina court or the driver licensing authority of a compact jurisdiction is received no more than twelve months from the date on which the traffic citation or an official Department of Natural Resources summons for a littering violation was issued or adjudicated. The license must remain suspended until satisfactory evidence has been furnished to the department of compliance with the terms of the citation or an official Department of Natural Resources summons for a littering violation and any further order of the court having jurisdiction in the matter and until a reinstatement fee as provided in Section 56-1-390 is paid to the department. A person whose license is suspended under this section is not required to file proof of financial responsibility as required by the Financial Responsibility Act (Chapter 9 of Title 56) as a condition for reinstatement.

Upon notification by a South Carolina court that a nonresident licensed in a compact jurisdiction has failed to comply with the terms of a traffic citation or an official Department of Natural Resources summons for a littering violation, the department shall notify the licensing authority in the compact jurisdiction for such action as appropriate under the terms of the compacts.

HISTORY: 1980 Act No. 461; 1990 Act No. 596, Section 2; 1996 Act No. 459, Section 241; 2004 Act No. 306, Section 2.

**SECTION 56-25-30.** Release of violator on personal recognizance; release of nonresident licensed by compact jurisdiction.

Any law enforcement officer who issues to a person a uniform traffic citation may, in addition to any other action authorized by law and subject to the exceptions noted in this section, allow the person to proceed without first either having to post bond or appear before a magistrate,

recorder or other judicial officer if the person accepts the citation. Such acceptance shall constitute the person's recognizance to comply with the terms of the citation.

When issuing a citation for a traffic violation to a nonresident who is licensed by a compact jurisdiction, if the law enforcement officer receives the person's recognizance as above-described, the officer shall not, subject to the exceptions noted below, require the person to post bond but shall allow the person to proceed.

HISTORY: 1980 Act No. 461.

**SECTION 56-25-40.** Violations for which person not entitled to release on personal recognizance; penalty for failure to appear as required by citation.

(a) No person shall be entitled to be released on personal recognizance pursuant to Section 56-25-30 if the officer requires the person to appear before a magistrate, recorder or other judicial officer or if the offense is:

(1) One which would result in the suspension or revocation of a person's license or privilege to drive under the laws of this State;

(2) A violation of Section 56-1-440 prohibiting the operation of a motor vehicle without a valid driver's license;

(3) A violation of a highway weight limitation.

(b) Any person who willfully fails to appear before the court as required by a uniform traffic citation without having posted such bond as may be required by the court or been granted a continuance by the court shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1980 Act No. 461.

## CHAPTER 27 Professional Housemoving

**SECTION 56-27-10.** Definitions.

As used in this chapter:

(a) "Person" means an individual, corporation, partnership, association, or any other business entity.

(b) "House" means a dwelling, building, or other structure in excess of fourteen feet in width.

(c) [Deleted]

HISTORY: 1984 Act No. 420; 1993 Act No. 181, Section 1499; 1996 Act No. 459, Section 246A.

**SECTION 56-27-20.** License required.

All persons who engage in the profession of housemoving on roads and highways of this State must be licensed by the Department of Transportation.

HISTORY: 1984 Act No. 420.

**SECTION 56-27-30.** Term of license; renewal; fee.

A license issued under the provisions of this chapter is effective for a period of one year from the date of issuance and is renewable on an annual basis. The annual and renewal fee for the license is contained in Section 57-3-130. All persons issued licenses under the provisions of this chapter are required to carry the license on their persons at all times when engaged in the profession of housemoving on the roads and highways of this State.

HISTORY: 1984 Act No. 420; 2012 Act No. 110, Section 1, eff February 1, 2012.

**SECTION 56-27-40.** Insurance.

(a) No license may be issued or renewed pursuant to this chapter unless the applicant presents to the Department of Transportation a certificate of insurance from an insurance company licensed to do business in this State providing:

(1) Motor vehicle insurance with minimum coverage of one hundred thousand dollars for bodily injury to or death of one person in any one accident, three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars for injury to or destruction of property of others in any one accident.

(2) Comprehensive general liability insurance with a minimum coverage of two hundred fifty thousand dollars combined single limit of liability.

(3) Workers' Compensation insurance that complies with Title 42 if the person licensed as a professional housemover is not exempt from the provisions of that title.

(b) The certificate shall provide for continuous coverage during the effective period of the license issued pursuant to this chapter.

HISTORY: 1984 Act No. 420.

**SECTION 56-27-50.** Violations; penalties.

Any person violating the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction must be fined:

(a) Not less than one hundred dollars for a first offense;

(b) Not less than five hundred dollars for a second offense;

(c) Not less than one thousand dollars for a third or subsequent offense.

HISTORY: 1984 Act No. 420.

**CHAPTER 28**  
Enforcement of Motor Vehicle Express Warranties

**SECTION 56-28-10.** Definitions.

As used in this chapter:

(1) "Consumer" means the purchaser or lessor, other than for purposes of resale, of a motor vehicle normally used for personal, family, or household purposes and subject to the manufacturer's express warranty, and any other person entitled by the warranty to enforce the obligations of the warranty.

(2) "Manufacturer" means any person, resident, or nonresident, who manufactures or assembles or imports or distributes new motor vehicles which are to be sold in the State.

(3) “Manufacturer’s express warranty” or “warranty” means the written warranty, so labeled, of the manufacturer of a new motor vehicle, including any terms or conditions precedent to the enforcement of obligations under that warranty.

(4) “Motor vehicle” means:

(a) a private passenger motor vehicle, as classified by Section 56-3-630, but excluding the living portion of recreational vehicles and off-road vehicles, which is sold and registered in this State; and

(b) a motorcycle as defined in Section 56-1-10(8), including a motorcycle three-wheel vehicle as defined in Section 56-1-10(18), which is sold and registered in this State.

(5) A “new motor vehicle” means a motor vehicle which has been sold to a new motor vehicle dealer by a manufacturer and which has not been used for other than demonstration purposes and on which the original title has not been issued from the new motor vehicle dealer.

(6) “Nonconformity” means a defect or condition that substantially impairs the use, value, or safety of a motor vehicle, but does not include a defect or condition that results from an accident, modification, or alteration of the motor vehicle by persons other than the manufacturer or its authorized service agent.

HISTORY: 1989 Act No. 142, Section 1; 1996 Act No. 459, Section 242; 2016 Act No. 157 (H.3788), Section 1, eff April 21, 2016.

**SECTION 56-28-20.** Manufacturers to provide annual written summaries of certain motor vehicles; forms; records to be made available; penalties.

Every manufacturer, in a format and a form that must be mailed annually to each manufacturer approved by the Administrator of the Department of Consumer Affairs, shall provide a written summary of all motor vehicles repurchased or replaced under this chapter no less than once each calendar year. In addition, every manufacturer shall make available any paperwork, reports, or other information regarding vehicles subject to this chapter upon request by the administrator. Failure to supply either the written summaries of repurchased vehicles or respond to reasonable requests for information by the administrator subjects the manufacturer to an administrative penalty not to exceed one thousand dollars for each violation which the administrator in his discretion may impose.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-30.** Nonconformity with express warranties; notice required; repairs required.

If a new motor vehicle does not conform to all applicable express warranties within the first twelve months of purchase or the first twelve thousand miles of operation, whichever occurs first, and the consumer reports the nonconformity to the manufacturer or its agent during the term of the express warranties, the manufacturer, or its agent, shall make those repairs as are necessary to conform the vehicle to the express warranties at no cost to the consumer, notwithstanding the fact that the repairs are made after the expiration of the term.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-40.** Replacement of motor vehicle; refund of purchase price.

If, within the term specified in Section 56-28-30, the manufacturer, through its agents or authorized dealer, is unable to conform the motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use, market value, or safety of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall replace the motor vehicle with a comparable motor vehicle, or at its option, accept return of the vehicle from the consumer and refund to the consumer the full purchase price as delivered including applicable finance charges, sales taxes, license fees, registration fees, and any other similar governmental charges, less a reasonable allowance for the consumer's use of the vehicle. Refunds must be made to the consumer and lienholder, if any, as their interest may appear on the record of ownership kept by the Department of Motor Vehicles. A reasonable allowance for use must be that amount directly attributable to use by the consumer before his first report of the nonconformity to the manufacturer, agent, or dealer, and must be calculated by multiplying the full purchase price of the vehicle by a fraction having as its denominator one hundred twenty thousand and having as its numerator the number of miles that the vehicle traveled before the first report of nonconformity. The consumer is not entitled to a refund or replacement if:

(1) the nonconformity does not substantially impair the motor vehicle's use, market value, or safety;

(2) the nonconformity is the result of abuse, neglect, or modification or alteration of the motor vehicle by the consumer.

**HISTORY:** 1989 Act No. 142, Section 1.

**SECTION 56-28-50.** Presumption of attempts to conform; information to be provided to consumers; obligations of manufacturer; costs and attorney's fees; notice requirements.

(A) It is presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if:

(1) the same nonconformity has been subject to repair three or more times by the manufacturer, or its agent, within the express warranty term, but the nonconformity continues to exist; or

(2) the vehicle is out of service by reason of repair for a cumulative total of thirty or more calendar days during the express warranty. The term of an express warranty, and the twenty-day period must be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike, fire, flood, or other natural disaster.

(B) The manufacturer must provide information regarding consumer complaint remedies with each new motor vehicle. It is the responsibility of the consumer, or his representative, before availing himself of the provisions of this chapter, to give written notification to the manufacturer of the need for the repair of the nonconformity, in order to allow the manufacturer a final opportunity to cure the alleged defect if the manufacturer has clearly and prominently informed the consumer of the requirement of written notification to the manufacturer at the time of sale. The manufacturer, within ten business days, must notify the consumer of a reasonably accessible repair facility of a franchised new vehicle dealer to conform the new vehicle to the express warranty. After delivery of the new vehicle to an authorized repair facility by the consumer, the manufacturer must attempt immediately to repair the vehicle within a period not to exceed ten business days in order to conform the new motor vehicle to the express warranty. If the manufacturer is unable to repair properly the vehicle within the final ten-business-day period, the

manufacturer must replace the vehicle with an identical or reasonably equivalent vehicle or refund the purchase price subject to the provisions of Section 56-28-40.

(C) Upon notification from the consumer that the new vehicle has not been conformed to the express warranty, the manufacturer shall inform the consumer if an informal dispute settlement procedure has been established by the manufacturer as enumerated in Section 56-28-60. However, if prior notice by the manufacturer of an informal dispute settlement procedure has been given, no further notice is required.

(D) Any consumer who finally prevails in any action brought under this chapter, may be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses (including attorney's fees based on actual time expended) and other such costs which are directly attributable to the nonconformity of the motor vehicle determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action, unless the court in its discretion determines that such an award of attorney's fees would be inappropriate.

(E) All written notifications required by this section shall be sent by registered, certified, or express mail.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-60.** Informal dispute settlement procedures.

If a manufacturer has established an informal dispute settlement procedure which substantially complies with Title 16 of the Code of Federal Regulations, Part 703, or if the manufacturer participates in a consumer-industry appeals, arbitration, or mediation panel or board, whose decisions are binding on the manufacturer, the provisions of Section 56-28-40 concerning refunds or replacement do not apply to any consumer who has not first resorted to those procedures or to the alternate procedure provided in Section 56-28-90.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-70.** Limitation of actions.

Any action brought under this chapter must be commenced within three years following the date of original delivery of the motor vehicle to the consumer.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-80.** Construction of chapter; reimbursement from dealer prohibited; exception.

Nothing in this chapter may be construed as imposing any liability on a motor vehicle dealer or creating a cause of action by a consumer against a motor vehicle dealer under Section 56-28-40. The manufacturer shall not charge back or require reimbursement by the dealer for any costs, including, but not limited to, any refunds or vehicle replacements incurred by the manufacturer arising out of this chapter in the absence of evidence that the related repairs had been carried out by the dealer in a manner substantially inconsistent with the manufacturer's published instructions.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-90.** State arbitration board may be established.

The Administrator of the Department of Consumer Affairs may establish by regulation a state arbitration board consisting of five members appointed by him to serve at his pleasure. The board shall review matters involving manufacturers that have not created an informal dispute settlement procedure that substantially complies with Title 16 of the Code of Federal Regulations, Part 703. The cost of the arbitration board must be borne by the manufacturer of the vehicle purchased or leased by the consumer.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-100.** Repurchased vehicles not to be resold; exceptions.

Any vehicle required to be repurchased by a manufacturer under this chapter or any other provision of law relating to motor vehicle warranties may not be resold, reassigned, or retransferred, either at wholesale or retail in this State, unless:

(1) The manufacturer notifies the Administrator of the Department of Consumer Affairs within thirty calendar days, in writing, of the vehicle identification number of that motor vehicle, the reason that the vehicle was repurchased, and provides a statement that all necessary repairs and adjustments have been made and that the vehicle meets acceptable operating standards.

(2) The manufacturer provides a written warranty to the subsequent retail purchaser of the vehicle covering the vehicle for twelve months or twelve thousand miles. The warranty must expressly include any component related to the manufacturer's decision to repurchase the vehicle.

(3) The manufacturer shall disclose to any dealer or other wholesale purchaser of the fact that the vehicle was required to be repurchased under this chapter or another provision of law relating to motor vehicle warranties.

HISTORY: 1989 Act No. 142, Section 1.

**SECTION 56-28-110.** Notification to subsequent purchasers; penalties for failure to notify.

Each subsequent purchaser must be notified by the seller of the fact that the vehicle was required to be repurchased pursuant to the terms of this chapter or another provision of law relating to motor vehicle warranties. If a seller fails properly to notify a purchaser of the requirements of this section, the department may impose an administrative penalty up to a maximum of five hundred dollars for each vehicle. A seller aggrieved by the action of the department may seek review by filing a request for a contested case hearing with the Administrative Law Court.

HISTORY: 1989 Act No. 142, Section 1; 2005 Act No. 128, Section 17, eff July 1, 2005.

Editor's Note

2005 Act No. 128, Section 27, provides as follows:

"This act takes effect on July 1, 2005, and applies to all licensing and administrative hearings involving the South Carolina Department of Consumer Affairs."

## CHAPTER 29

### Motor Vehicle Chop Shop, Stolen, and Altered Property Act

**SECTION 56-29-10.** Title.

This chapter may be cited as the Motor Vehicle Chop Shop, Stolen, and Altered Property Act.

HISTORY: 1987 Act No. 16, Section 2.

**SECTION 56-29-20.** Definitions.

As used in this chapter:

(1) "Chop shop" means any building, lot, or other premises where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling, or knowingly storing any motor vehicle, or motor vehicle part known to be illegally obtained by theft, fraud, or conspiracy to defraud, in order either to:

(a) alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity, including the vehicle identification number of the motor vehicle or motor vehicle part, in order to misrepresent the identity of the motor vehicle or motor vehicle part, or to prevent the identification of the motor vehicle or motor vehicle part, or

(b) sell or dispose of the motor vehicle or motor vehicle part.

(2) "Vehicle" includes every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and also includes any and all other land-based devices which are self-propelled but which are not designed for use upon a highway including, but not limited to, farm machinery and construction equipment.

(3) "Person" includes a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other legal entity.

(4) "Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.

(5) "Vehicle identification number" means a number, a letter, a character, a datum, a derivative, or a combination thereof, used by the manufacturer or the Department of Motor Vehicles for the purpose of uniquely identifying a motor vehicle or motor vehicle part.

HISTORY: 1987 Act No. 16, Section 3; 1993 Act No. 181, Section 1500; 1996 Act No. 459, Section 243.

**SECTION 56-29-30.** Operation of chop shop unlawful; penalty, restitution.

(A) It is unlawful for a person to:

(1) own, operate, or conduct a chop shop;

(2) transport a motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or

(3) sell, transfer, purchase, or receive a motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop.

A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than one hundred thousand dollars, or both.

(B) A person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, or causes any of the above to be done, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not less than five thousand nor more than ten thousand dollars, or both.

(C)(1) A person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, or causes any of the above to be done, is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not less than five thousand nor more than ten thousand dollars, or both.

(2) The provisions of item (1) of subsection (C) do not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part before or during the processing.

(D) A person commits an attempt when, with intent to commit a violation proscribed by subsection (A), (B), or (C) of this section, the person does any act which constitutes a substantial step toward the commission of the violation proscribed by those subsections and is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not less than five thousand nor more than ten thousand dollars, or both.

(E) A person commits the offense of conspiring to violate the provisions of this act if he knowingly and wilfully agrees with another person to the commission of the offenses proscribed by subsection (A), (B), or (C) of this section and is guilty of a felony. Upon conviction, the person must be imprisoned not more than five years, or fined not more than five thousand dollars.

(F)(1) In addition to any other punishment, a person who violates this section must be ordered to make restitution to the lawful owner of the stolen motor vehicle or the stolen motor vehicle part, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss includes, but is not limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs, and claims payments. Lawful owner includes an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that the insurer has compensated a bona fide purchaser for value.

(2) The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In that case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

HISTORY: 1987 Act No. 16, Section 4; 1993 Act No. 184, Section 253.

**SECTION 56-29-40.** Seizure of motor vehicle, tools, implements, or other instrumentality.

(A) Any tool, implement, or instrumentality, including but not limited to a motor vehicle or motor vehicle part, used or possessed in connection with any violation of Section 56-29-30 may

be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction.

(B) Seizure of property described in subsection (A) of this section may be made by a member of a state or local law enforcement agency without process if:

- (1) it is in accordance with any applicable law or regulation;
- (2) the seizure is incident to inspection under an administrative inspection warrant;
- (3) the seizure is incident to search made under a search warrant;
- (4) the seizure is incident to a lawful arrest;
- (5) the seizure is made pursuant to a valid consent to search;
- (6) the property seized has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding under Section 56-29-60; or
- (7) there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety.

(C) When property is seized under this section, the seizing agency may:

- (1) place the property under seal; or
- (2) remove the property to a place selected and designated by the seizing agency.

HISTORY: 1987 Act No. 16, Section 5.

**SECTION 56-29-50.** Forfeiture of motor vehicle, tools, implements, or other instrumentality.

(A) The following are subject to forfeiture unless obtained by theft, fraud, or conspiracy to defraud and the rightful owner is known or can be identified and located:

- (1) any tool;
- (2) any instrumentality, including but not limited to any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 56-29-30 or to promote or facilitate a violation of Section 56-29-30.

(B) Any motor vehicle, other conveyance, or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance, or motor vehicle part is a consenting party to a violation of Section 56-29-30.

(C) Any motor vehicle, motor vehicle part, other conveyance, tool, implement, or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.

(D) A forfeiture of a motor vehicle, motor vehicle part, or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for the forfeiture.

(E)(1) The circuit solicitor shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding to each person whose right, title, or interest is of record at the Department of Motor Vehicles or any other department of the State, or any other state or territory of the United States, or of the federal government if the property is required to be registered in the Department of Motor Vehicles.

(2) Notice of the proceeding must be given to any other person as may appear, from the facts and circumstances, to have any right, title, or interest in or to the property.

(3) The owner of the property, or any person having, or claiming right, title, or interest in the property, may within thirty days after the mailing of the notice file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.

(4) The circuit solicitor shall show at a forfeiture hearing, by a preponderance of the evidence, that the property was used in the commission of a violation of Section 56-29-30, or was used or possessed to facilitate the violation.

(5) Unless the circuit solicitor makes the showing required, the court shall order the property released to the owner. Where the prosecutor has made a showing, the court shall order:

(a) the property be destroyed by the agency which seized it or some other agency designated by the court;

(b) the property be delivered and retained for use by the agency which seized it or some other agency designated by the court; or

(c) any other disposition which the court considers appropriate under the circumstances.

(F) A copy of a forfeiture order must be filed with the clerk of court of the county in which the forfeiture occurs and with each federal or state department with which the property is required to be registered. The order, when filed, constitutes authority for the issuance to the agency to whom the property is delivered and retained for use or to any purchaser of the property of a title certificate, registration certificate, or other special certificate as may be required by law considering the condition of the property.

(G) Proceeds from sale at public auction, after payment of all reasonable charges and expenses incurred by the agency designated by the court to conduct the sale in storing and selling the property, must be paid to the general fund of the county in which the seizure occurred.

(H) No motor vehicle, either seized under Section 56-29-40 or forfeited under this section, may be released by the seizing agency or used or sold by an agency designated by the court unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate under laws or regulations of this State.

(I) No motor vehicle or motor vehicle part may be forfeited under this section solely on the basis that it is unidentifiable. Instead of forfeiture, any seized motor vehicle or motor vehicle part which is unidentifiable must be the subject of a written report sent by the seizing agency to the Department of Motor Vehicles which report must include a description of the motor vehicle or motor vehicle part, its color, if any, the date, time, and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where it is held or stored.

(J) The proceeds of the public sale of an unidentifiable motor vehicle or motor vehicle part must be deposited in the general fund of the governmental unit employing the seizing agency after deduction of any reasonable and necessary towing and storage charges.

(K) A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable must be held subject to the order of the court in which the criminal action is pending or, if a request for its release from custody is made, until the prosecutor has notified the defendant or the defendant's attorney of the request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed fourteen days from the date of

service upon the defense of the notice of request for return of property as provided herein, the property must be released to the person making the request after satisfactory proof of such person's entitlement to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.

(L) When a seized vehicle is forfeited, restored to its owner, or disposed of as unidentifiable, the seizing agency shall retain a report of the transaction for a period of at least seven years from the date of the transaction.

(M) When an applicant for a certificate of title or salvage certificate presents to the Department of Motor Vehicles proof that the applicant purchased or acquired a motor vehicle at the public sale conducted pursuant to this section and that fact is attested to by the seizing agency, the department shall issue a certificate of title, or salvage certificate for the motor vehicle upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the certification of the seizing agency that a state-assigned number was applied for and affixed to the motor vehicle prior to the time that the motor vehicle was released by the seizing agency to the purchaser.

HISTORY: 1987 Act No. 16, Section 6; 1993 Act No. 181, Section 1501; 1996 Act No. 459, Section 244.

**SECTION 56-29-60.** Civil proceedings.

(A) The Attorney General, any circuit solicitor, or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of any provision of this chapter. If the plaintiff in the proceeding proves the alleged violation, or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons, shall grant relief by entering any appropriate order or judgment, including, but not limited to:

(1) ordering any defendant to be divested of any interest in any property;

(2) imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;

(3) ordering the surrender of the charter of a corporation organized under the laws of the State or the revocation of a certificate authorizing a foreign corporation to conduct business within the State upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by this chapter and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.

(B) In a proceeding under this section, injunctive relief must be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury must be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.

(C) Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 56-29-30, in addition to any other relief, shall have a cause of action for threefold the actual damages sustained by the person.

(D) A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.

(E) Personal service of any process in an action under this section may be made upon any person outside the State if the person has engaged in any conduct constituting a violation of Section 56-29-30 in this State. The person is considered to have thereby submitted to the jurisdiction of the courts of this State for the purposes of this provision.

(F) Obtaining any civil remedy under this section does not preclude obtaining any other civil or criminal remedy under either this act or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.

HISTORY: 1987 Act No. 16, Section 7.

## CHAPTER 31 Rental of Private Passenger Automobiles

### **SECTION 56-31-10.** Application of chapter.

This chapter applies to the rental of a private passenger automobile or rental vehicle from a location in this State.

HISTORY: 1989 Act No. 177, Section 2; 2001 Act No. 37, Section 1.

### **SECTION 56-31-20.** Definitions.

As used in this chapter:

(1) "Rental company" means a person in the business of providing private passenger automobiles or rental vehicles to the public under the terms of a rental agreement.

(2) "Renter" means a person obtaining the use of a private passenger automobile or rental vehicle from a rental company under the terms of a rental agreement.

(3) "Rental agreement" means a written agreement setting forth the terms and conditions governing the use of a private passenger automobile or rental vehicle provided by a rental company.

(4) "Damage" means a loss or damage to a rented vehicle or rental vehicle including the loss of use and costs and expenses incident to the damage, loss, and loss of use.

(5) "Private passenger automobile" or "vehicle" means a private passenger motor vehicle including passenger vans and minivans that are intended primarily for the transport of persons.

(6) "Rental vehicle" means a truck under 26,001 pounds gross vehicle weight and used in the transportation of personal property that is rented without a driver, and is not used by the customer for business purposes, or a trailer with a gross weight of not more than 6,000 pounds.

HISTORY: 1989 Act No. 177, Section 2; 2001 Act No. 37, Section 1.

### **SECTION 56-31-30.** Rental rates; permitted and prohibited charges; waiver prohibited.

(A) A rental company may advertise, quote, or charge only a rental rate that includes the entire amount, except taxes, airport fees, and a mileage charge, if any, that a renter pays to rent the vehicle or rental vehicle for the period of time to which the rate applies. Airport fees must be disclosed clearly and conspicuously in all advertisements of a rental rate for an applicable location either as a specific fee or as a range of fees. Only airport fees that are remitted to the airport management entity are permitted to be separately stated and collected. The company may charge an additional fee for an item or service provided for in the rental agreement if the charge is optional for the renter. The items and services include, but are not limited to, insurance and accessories requested by the renter unless otherwise prohibited as provided in this chapter, charges incident to the renter's optional return of the vehicle or rental vehicle to a location other than to where it was rented, and charges for refueling the vehicle or rental vehicle at the conclusion of the rental period if the renter did not return the vehicle or rental vehicle with the same amount of fuel that was in the vehicle at the beginning of the rental period. A company also may impose an additional charge based on reasonable age criteria it establishes.

(B) If a rental company delivers a vehicle or rental vehicle to a renter at a location other than where the company normally conducts its business, the company may not charge for the rental for the time before the vehicle or rental vehicle is delivered. If the company picks up a rented vehicle or rental vehicle from a renter at a location other than the location where the company normally conducts its business, the company may not charge for the rental for the time after the rental company has been notified that the vehicle or rental vehicle is available.

(C) If a rental company quotes a rental rate in a personal or computer communication or a print advertisement, it shall disclose the terms of mileage conditions relating to the rate including, but not limited to, the amount of mileage and fuel charges, the number of miles for which no charge is imposed, and a description of geographic driving limitations, if any.

(D) A waiver of the requirements of the provisions of this section is unenforceable as contrary to public policy.

HISTORY: 1989 Act No. 177, Section 2; 2000 Act No. 284, Section 1; 2001 Act No. 37, Section 1.

**SECTION 56-31-40.** Violations; application for restraining order; penalties.

If the Attorney General has reasonable cause to believe that a rental company has violated a provision of this chapter and that action is needed to serve the public interest, he may apply for a restraining order in the court of common pleas of Richland County. The court may grant appropriate final injunctive relief and impose a civil penalty of not more than one thousand dollars for each violation.

HISTORY: 1989 Act No. 177, Section 2; 2001 Act No. 37, Section 1.

**SECTION 56-31-50.** Motor vehicle rental fees; definitions; good faith estimates; disclosures; excess fees; taxes.

(A) As used in this section:

(1) "Motor vehicle rental company" means an individual or business entity whose business activity is renting motor vehicles to consumers under rental agreements for periods of ninety days or less.

(2) “Vehicle license fee” means a charge that may be separately stated and charged on the rental contract in a vehicle rental transaction originating in this State to recover the motor vehicle rental company’s costs incurred for:

- (a) licensing, titling, registering, plating, and inspecting of its rental vehicles; and
- (b) taxes paid in connection with registering its rental vehicles.

(B) Rental companies engaged in the business of renting vehicles for periods of ninety days or less may charge, at the time the vehicle or rental vehicle is rented in South Carolina, separately stated fees which may include, but must not be limited to, vehicle license fees, airport access fees, airport concession fees, and all applicable taxes. For purposes of this section, a vehicle or rental vehicle is rented in South Carolina if it is picked up by the renter in South Carolina.

(C) If a motor vehicle rental company includes a vehicle license fee for a rental transaction disclosed on the rental agreement, the amount of the charge must represent the good faith estimate by the motor vehicle rental company of its daily charge calculated to recover its actual total annual recoverable costs, pursuant to subsection (A)(2), on its rental motor vehicle fleet for the corresponding calendar year.

(D)(1) If the total amount of the vehicle license fees collected by a motor vehicle rental company pursuant to this section in any calendar year exceeds the actual costs of the car rental company, as allowed under subsection (A)(2), for that calendar year, the car rental company shall:

- (a) retain the excess amount; and
- (b) adjust the estimated average per vehicle charge for the following calendar year by a corresponding amount.

(2) Nothing in this section may prevent a motor vehicle rental company from making adjustments to a vehicle license fee per vehicle charge during the calendar year to reflect interim developments affecting the motor vehicle rental company’s prior estimated per vehicle fee for that calendar year.

(E)(1) If a motor vehicle rental company charges a vehicle license fee, the amount of the fee must be:

- (a) disclosed at the time of reservation and as part of any estimated pricing provided to the renter; and
- (b) shown as a separately itemized charge on the rental agreement.

(2) The vehicle license fee must be described in the terms and conditions of the rental agreement as the estimated average per day portion of the motor vehicle company’s costs incurred for:

- (a) licensing, titling, registering, plating, and inspecting its rental vehicles; and
- (b) taxes paid in connection with registering its rental vehicles.

(F) The vehicle license fee authorized by this section is subject to state and local sales and use tax in the manner and to the same extent as the fee charged for the lease or rental of the rental vehicle.

**HISTORY:** 1992 Act No. 501, Part II Section 69A; 1993 Act No. 181, Section 1502; 1996 Act No. 333, Section 1; 1996 Act No. 459, Section 245; 1997 Act No. 114, Section 10; 2001 Act No. 37, Section 1; 2016 Act No. 224 (H.3891), Section 1, eff January 1, 2017.

**SECTION 56-31-60.** Heavy equipment rental fees; definitions; applicability and exemptions; tax exemption.

(A) As used in this section:

(1) "Qualified heavy equipment property" means any construction, earthmoving, or industrial equipment that is mobile and rented by a qualified renter, including attachments for the equipment or other ancillary equipment or tools. Qualified heavy equipment property is mobile if it is not permanently affixed to real property and is moved amongst worksites.

(2) "Qualified renter" means a renter:

(i) whose primary business is renting out qualified heavy equipment property. Primary business means over fifty-one percent of the annual revenue of the business in any given year; and

(ii) that is engaged in a line of business described in Code 532412 or 532310 of the North American Industry Classification System published by the U.S. Census Bureau, 2012 edition.

(3) "Qualified rental" means qualified heavy equipment property rented for three hundred sixty-five days or less, qualified heavy equipment property rented pursuant to an open-ended contract, or qualified heavy equipment property rented via a contract without a specified time period.

(4) "Rental price" means the amount of the charge for renting the qualified heavy equipment, excluding any separately stated charges that are not rental charges, including, but not limited to, separately stated charges for delivery and pickup fees, damage waivers, environmental fees, sales tax, or any other ancillary charge.

(B)(1) Except as provided in subsection (2), a person or company in the business of renting qualified heavy equipment property located in this State shall include on the rental invoice a two and one-half percent heavy equipment rental fee on the rental price for any item of qualified heavy equipment property rented to a customer by a qualified renter. The total amount of the heavy equipment rental fee collected shall be remitted to the state Department of Revenue on a quarterly basis. The Department of Revenue shall distribute the remitted fee to the local jurisdiction where the qualified heavy equipment was rented. The local jurisdiction shall distribute the received funds in the same manner as the personal property tax is distributed.

(2) Notwithstanding subsection (1), the heavy equipment rental fee shall not apply to the rental of heavy equipment property directly rented to the federal government, the State, or any political subdivision of the State. There are no other exemptions from this fee.

(3) The heavy equipment rental fee shall be levied on all qualified rentals.

(4) Qualified heavy equipment property subject to the heavy equipment rental fee is exempt from personal property tax.

(5) The Department of Revenue may promulgate regulations relating to the administration and enforcement of this section.

(C) The heavy equipment rental fee applies to all qualified rentals made from a rental location in South Carolina where the customer picks up the equipment, or all qualified rentals from a rental location in the State where the qualified heavy equipment property is delivered in the State. The heavy equipment rental fee does not apply to rentals made from a rental location in the State and delivered outside the State.

(D) The heavy equipment rental fee is not subject to state or local sales tax.

HISTORY: 2016 Act No. 224 (H.3891), Section 2, eff January 1, 2017.

CHAPTER 32  
Motor Vehicle Damage Disclosure Act

**SECTION 56-32-10.** Application to new motor vehicles.

This chapter applies to new motor vehicles as defined in Section 56-28-10(5).

HISTORY: 1995 Act No. 51, Section 1.

**SECTION 56-32-20.** Motor vehicle damage disclosure.

(A) A motor vehicle manufacturer shall disclose, in writing to a motor vehicle dealer at the time of delivery of a new motor vehicle, damage and repair to the new motor vehicle that occurred while the vehicle was in the possession or under the control of the manufacturer if the damage exceeds three percent of the manufacturer's suggested retail price as calculated at the rate of the dealer's authorized warranty rate for labor and parts. A manufacturer is not required to disclose to a dealer that the glass, tires, bumper, or in-dash equipment of or in a motor vehicle was damaged if the damaged item has been replaced with original or comparable new equipment.

(B) A motor vehicle dealer shall disclose, in writing to a purchaser of a new motor vehicle before entering into a sales contract, any damage and repair to the new motor vehicle if the cost of the damage exceeds three percent of the manufacturer's suggested retail price calculated at the rate of the dealer's authorized warranty rate for labor and parts. A dealer is not required to disclose to a purchaser that the glass, tires, bumper, or in-dash equipment of or in a new motor vehicle was damaged if the equipment or item has been replaced with original or comparable new equipment.

(C) If disclosure is not required under this section, a purchaser may not revoke or rescind a sales contract nor bring a civil action based solely upon the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(D) For purposes of this section, "manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer including the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the motor vehicle dealer.

HISTORY: 1995 Act No. 51, Section 1, eff May 17, 1995.

CHAPTER 35

Idling Restrictions for Commercial Diesel Vehicles

**SECTION 56-35-10.** Definitions.

As used in this chapter:

(1) "Auxiliary power unit" means a mechanical or electrical device affixed to a vehicle that is designed to be used to generate an alternative source of power for any of the vehicle's systems other than the primary propulsion engine.

(2) "Commercial diesel vehicle" means a self-propelled diesel motor vehicle licensed for use on a public roadway to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of ten thousand and one pounds or more, whichever is greater.

(3) "Passenger bus" means a vehicle designed to carry sixteen or more passengers.

(4) "Vehicle" means a commercial diesel vehicle.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-20.** Idling restrictions; exceptions.

(A)(1) An operator of a commercial diesel vehicle may not allow the vehicle to idle for more than ten minutes in any sixty-minute period.

(2) A passenger bus may idle up to fifteen minutes in a sixty-minute period to provide heating or air conditioning when nondriver passengers are on board the vehicle.

(B) A vehicle operator does not violate the idling restrictions contained in subsection (A) if he is idling:

(1) a vehicle while forced to remain motionless because of traffic conditions beyond his control, an official traffic-control device or signal, or at the direction of a law enforcement official;

(2) a vehicle while operating defrosters, heaters, air conditioners, cargo refrigeration equipment, or to install equipment to prevent a safety or health emergency, or as otherwise required by federal or state motor carrier safety regulations or local requirements. This exception does not apply when idling during a rest period;

(3) a police, fire, ambulance, public safety, military, or other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity while in an emergency or training mode. This exception does not apply when idling for the convenience of the vehicle operator;

(4) the primary propulsion engine of a vehicle for maintenance, servicing, repairing, or diagnostic purposes if idling is required;

(5) a vehicle as part of a federal or state inspection to verify that all equipment is in good working order, if idling is required as part of the inspection;

(6) a primary propulsion engine necessary to power work-related mechanical or electrical operations. This exception shall not apply when idling is done for cabin comfort or to operate nonessential onboard equipment;

(7) an armored vehicle when a person remains inside the vehicle to guard contents or while the vehicle is being loaded or unloaded;

(8) an occupied vehicle with a sleeper berth compartment for purpose of air conditioning or heating:

(a) during a rest or sleep period;

(b) when the outside temperature at the location of the vehicle is less than forty degrees Fahrenheit or greater than eighty degrees Fahrenheit; or

(c) while the vehicle is at a rest area, fleet trucking terminal, commercial truck stop, state designated location designed for the intended purpose of a driver's rest area, or any location that the vehicle is legally permitted to park that is at least five hundred feet from residential housing, schools, daycare facilities, hospitals, or other similar locations; or

(9) an occupied vehicle while waiting in line or queuing to load or unload.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-30.** Auxiliary power units.

(A) For the purposes of this chapter, operating an auxiliary power unit, generator set, or another mobile idling reduction technology as a means to heat, air condition, or provide electrical power, as an alternative to idling the main engine, does not constitute idling an engine.

(B) For a vehicle equipped with an auxiliary power unit designed for idling reduction, the gross vehicle weight or axle weight used to determine the fine for a violation of commercial vehicle weight restrictions is the actual gross vehicle weight or axle weight reduced by five hundred fifty pounds.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008); 2016 Act No. 188 (H.4932), Section 6, eff May 25, 2016.

**SECTION 56-35-40. Penalty.**

A violation of the provisions contained in this chapter is a nonmoving traffic offense that is punishable by:

- (1) a warning ticket for an offense that occurs between July 1, 2008, to July 1, 2009; or
- (2) a fine of seventy-five dollars for each offense that occurs after July 1, 2009.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-50. Enforcement.**

(A) The State Transport Police Division of the Department of Public Safety is primarily responsible for enforcing the provisions of this chapter. An officer or agent of the State Transport Police that observes a vehicle operator violating the provisions of this chapter is authorized to issue a citation to the offender. The provisions of this chapter do not apply to a commercial diesel vehicle idling on the premises of a restricted access facility or in areas on the private property of a business that are generally designed and intended for commercial vehicle access, loading or unloading when the facility or business is located at least five hundred feet away from any church, school, playground, daycare facility, or hospital.

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of Health and Environmental Control for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

(C)(1) Magistrates have jurisdiction of all contested violations of this chapter. Where a contested hearing is requested, any fine imposed is subject to all assessments and surcharges applicable by law. The fine, surcharges, and assessments shall be distributed as set forth in the applicable law.

(2) If the fine is not paid in full to the Department of Public Safety within forty-five days after conviction, the driver's license of the vehicle operator found in violation of this chapter must be suspended. The suspension continues until the fine is paid in full.

(D) The State Transport Police shall use the citation form referenced in Section 56-1-4160(G) for idling violations. The Department of Public Safety must electronically transmit to the Department of Motor Vehicles all tickets issued pursuant to this section. The Department of Public Safety and the Department of Motor Vehicles must work together to develop an electronic exchange of information over the next two years.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-60.** Diesel idling reduction fund; idling awareness program.

(A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of Health and Environmental Control.

(B) The Department of Health and Environmental Control, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-70.** Preemption.

The provisions of this chapter are the sole source of idling restrictions on commercial diesel vehicles in this State and this chapter is the sole source of penalties for violations of the idling restrictions. The provisions in this chapter supercede and preempt any ordinance enacted by a local political subdivision purporting to regulate idling on commercial diesel vehicles.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).

**SECTION 56-35-80.** Promulgation of regulations.

The Department of Health and Environmental Control may promulgate regulations to administer and enforce the provisions of this chapter.

HISTORY: 2008 Act No. 234, Section 6, eff upon approval (became law without the Governor's signature on May 22, 2008).