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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.

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) "Automotive three-wheel vehicle" means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, 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 automotive three-wheel vehicle.

(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.

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.

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 56-1-35. 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.

(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, motor scooters, or light motor-driven cycles of five- brake horsepower or less 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 motor scooters or light motor-driven cycles after six o'clock a.m. and not later than eight o'clock p.m. A permittee may not operate a motorcycle, motor scooter, or light motor-driven cycle at any other time unless supervised by the permittee's motorcycle licensed parent or guardian.

(C) The accompanying driver must occupy a seat beside the permittee, except when the permittee is operating a motorcycle. A three-wheel vehicle requires the accompanying driver to be directly behind the permittee on a saddle-type seat or beside the permittee on a bench-type seat.

(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.

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.

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; and

(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.

(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.

SECTION 56-1-85. Federal REAL ID Act; nonparticipation.

The State shall not participate in the implementation of the federal REAL ID Act.

HISTORY: 2007 Act No. 70, Section 1, eff June 13, 2007.

SECTION 56-1-90. Identification necessary for license; proof of Social Security number.

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 reasonably reliable document containing the Social Security number. 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, Federal W-2 form, or U.S. military identification card. The numbers may also 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.

For purposes of this section, when a licensee is applying for a replacement license, the Department of Motor Vehicles must accept an affidavit as evidence that the licensee has established the existence and validity of his Social Security number at the time of the original license application. The driver's license number of a person may be his Social Security number.

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.

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

The application of an unemancipated minor for a beginner's permit, instruction permit, or driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian or, for all other minors, by a responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor. Upon the extension of a permit pursuant to Section 56-1-50, authorization by the father, mother, guardian, or a responsible adult 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.

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) A basic driver's license authorizes the licensee to operate motor vehicles, automotive three-wheel vehicles, 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.

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.

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; fee; signature; contents.

Upon the payment of a fee of twelve dollars and fifty cents for a license that is valid for five years, or twenty-five dollars for a license that is valid for ten years, the Department of Motor Vehicles 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, and residence address and a brief description and laminated colored photograph of the licensee, and a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. 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.

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: 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.

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. The incremental cost of administration of the contribution must be paid by the trust fund from amounts received pursuant to this section 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.

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.

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 a special restricted account to be used by the department to defray expenses associated with this section.

(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.

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 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 46-165; 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.

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.

- (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 56-1-176. 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.

(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 employer 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 56-1-185. 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.

SECTION 56-1-190. License shall 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.

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.

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.

The balance of the revenue from each fee must be deposited into a special earmarked account by the State Treasurer for the use of the Department of Motor Vehicles.

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.

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

(A) A license issued or renewed before October 1, 2003, expires on the licensee's birth date on the fifth calendar year after the calendar year in which it is issued. A license issued or renewed on or after October 1, 2003, expires on the licensee's birth date on the tenth calendar year in which it is issued. When a person who is sixty-five years of age or older renews his license, the license shall expire five years from the date it was issued.

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

(C) The Department of Motor Vehicles 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) A license may not be renewed until the licensee is reexamined as provided in Section 56-1-130, except that the licensee is not required to take the road test provided in Section 56-1-130; provided, further, that only the vision screening is required of those persons who have no more than five points for moving traffic violations in the two years prior to making application for renewal. 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.

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 56-1-220. Vision screenings required for renewal of license; in person or certified vision screenings for a ten year license; certification of minimum standards; operation of vehicle with defective vision.

(A) Vision screenings are required for all persons before having their licenses renewed by the Department of Motor Vehicles. 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) During the fifth year of a ten-year license, the licensee must submit by mail to the department a certificate from an ophthalmologist or optometrist licensed in any state or appear in person at a department office to complete a vision screening. If a licensee fails to submit a certificate or fails to appear in person, the licensee must be fined fifty dollars. The department shall waive the fine if the person completes the requirements of this section within ninety days after the end of the fifth year of a ten-year license. This fine must be placed by the Comptroller General into a special restricted account to be used by the department to defray the expenses incurred by this section. Interest accrued by this account must remain in this account.

(C) A vision screening will not be required before October 1, 2008, if a licensee is less than sixty-five years of age, his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, and his license is renewed for an additional five years by mail or electronically. If a licensee is sixty-five years of age or older and his license expires on his birth date on the fifth calendar year after the calendar year in which it is issued, then he may renew his license by mail for an additional five years upon submission of a certificate of vision examination from an ophthalmologist or optometrist licensed in any state.

(D) 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. 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.

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

(F) 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.

(G) 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.

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 56-1-225. 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 must 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 his 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 direction of the officer, 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 he 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 SLED 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 its provisions. The costs of the tests administered at the direction of the officer must be paid from the general fund of the State. 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 must 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 his 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 failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the direction of the officer. The officer must 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, SLED must 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 any judicial or administrative proceeding.

(E) A qualified person and his employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the direction of the primary investigating officer 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 request of the primary investigating officer to submit to chemical tests as provided in subsection (C), the department must suspend his license, permit, or any nonresident operating privilege, or deny the issuance of a license or permit to him for:

- (1) six months; or
- (2) one year, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945 or any other 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 or has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2950, or 56-5-2951.

(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 must suspend his license, permit, or any nonresident operating privilege, or deny the issuance of a license or permit to him for:

- (1) three months; or
- (2) six months, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945 or any other law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or any other drug or has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2950, or 56-5-2951.

(H) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension under subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which he is enrolled. After the person's driving privilege is restored, he must continue to participate in the Alcohol and Drug Safety Action Program in which he 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 he completes the Alcohol and Drug Safety Action Program. A person must be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before his driving privilege can 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) he does not have to take the test or give the samples but that his privilege to drive must be suspended or denied for at least six months if he refuses to submit to the tests and that his refusal may be used against him in court;
- (2) his privilege to drive must be suspended for at least three months if he takes the test or gives the samples and has an alcohol concentration of two one-hundredths of one percent or more;
- (3) he has the right to have a qualified person of his own choosing conduct additional independent tests at his expense;
- (4) he has the right to request an administrative hearing within thirty days of the issuance of the notice of suspension; and
- (5) he must enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if he does not request an administrative hearing or within thirty days of the issuance of notice that the suspension has been upheld at the administrative hearing.

The primary investigating officer must notify promptly the department of the refusal of a person to submit to a test requested pursuant to this section as well as the test result of any 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 must 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, must enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 if he 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 his 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 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 must be retained by 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 a special restricted account to be used by the Department of Motor Vehicles to defray its expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the administrative hearing provided for in this section or the final decision or disposition of the matter; and
- (2) request an administrative hearing.

At the administrative hearing if:

- (a) the suspension is upheld, the person must enroll in an Alcohol and Drug Safety Action Program and his 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 must have his driver's license, permit, or nonresident operating privilege 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 an administrative hearing, he shall have waived his right to the hearing and his 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 his right to obtain a temporary alcohol license and to request an administrative hearing. The notice of suspension also must advise the person that, if he does not request an administrative hearing within thirty days of the issuance of the notice of suspension, he must enroll in an Alcohol and Drug Safety Action Program, and he waives his right to the administrative hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

(O) An administrative hearing must be held after the request for the hearing is received by the Division 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 administrative 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 his license was suspended before he received a temporary alcohol license and requested the administrative hearing.

(P) An administrative 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 he 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.

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; punishable offense.

(A) A person who forfeits bail posted for, is convicted of, or pleads guilty or nolo contendere in general sessions, municipal, or magistrate's 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 may collect from the clerk of court or magistrate the driver's license and ticket 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 and ticket immediately, the magistrate or clerk must forward the license, ticket, and other documentation to the department within five days after receipt. A clerk or magistrate who wilfully fails or neglects to forward the driver's license and ticket 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 forward the license and ticket to the department within five days, the suspension or revocation does not begin until the department receives and processes the license and ticket.

(D) If the defendant is already under suspension for a previous offense at the time of his conviction or plea, the period of suspension for the subsequent offense runs consecutively and does not commence until the expiration of the suspension or revocation for 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.

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.

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.

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 a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles, 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 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: 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.

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 a special restricted account to be used by the Department of Motor Vehicles to defray its expenses.

HISTORY: 2010 Act No. 273, Section 15.A, eff January 2, 2011.

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.

HISTORY: 2010 Act No. 273, Section 15.B, eff June 2, 2010.

SECTION 56-1-400. Surrender of license; renewal or return to licensee; endorsing suspension and ignition interlock device on license.

- (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that such license shall be surrendered to the Department of Motor Vehicles. At the end of the period of suspension, other than suspension for reckless driving, driving under the influence of intoxicants, or pursuant to the point system such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles, a new license issued to him. The Department of Motor Vehicles shall not return nor restore a license which has been suspended for reckless driving, 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 has satisfied the Department of Motor Vehicles, after an investigation of the character, habits, and driving ability of the person, that it would be safe to grant him the privilege of driving a motor vehicle on the public highways. Provided, the Department of Motor Vehicles, in its discretion, where the suspension is for violation under the point system may waive such examination, application, and investigation. A record of suspension shall be endorsed on the license returned to the licensee, or the new license issued to the licensee, showing grounds of such suspension. In the case of a license suspended for driving under the influence of intoxicants, the restriction on the license returned to the licensee, or the new license issued to the licensee, must conspicuously identify the licensee as a person who may only 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 Section 56-5-2941. Unless the person establishes that he is entitled to the exemption set forth in subsection (B), no license containing an ignition interlock device restriction shall be issued by the Department of Motor Vehicles without written notification from the authorized ignition interlock service provider that the device has been installed and confirmed to be in working order. If a person chooses to not have an interlock device installed, the license will remain suspended for three years from the date the suspension for driving under the influence of intoxicants ends. If during this three-year period the person decides to have the ignition interlock device installed, the device must be installed for the full suspension period or until the end of the three-year period, whichever comes first. This provision shall 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 of Chapter 5 of this title.
- (B) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that he will not be driving any vehicle other than the one owned by his employer and that he will not own a vehicle during the interlock period, may petition the Department of Motor Vehicles, on a form provided by it, for issuance of a license containing an ignition interlock device restriction, without having to show that an ignition interlock device has been installed. The determination of eligibility for this waiver is subject to periodic review at the discretion of the Department of Motor Vehicles. The Department of Motor Vehicles must revoke a license issued pursuant to this exemption if it determines that the person has been driving a vehicle other than the one owned by his employer. The person may seek relief from the Department of Motor Vehicle'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) Any person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the Department of Motor Vehicles with proof that the fine owed by the person has been paid before the Department of Motor Vehicles may return or 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 CodeSection 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.

SECTION 56-1-410. Repealed by 2006 Act No. 381, Section 11, eff. June 13, 2006.

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 any public highway of this State when his 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 and 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 not less than ninety days nor more than six months. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge. 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 his driver's license is suspended pursuant to this item, may apply for a route 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 route 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.

(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 must report to the department immediately any change in his 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 a special restricted account to be used by the Department of Motor Vehicles to defray its expenses. 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 by the person issued that license is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on any public highway of this State when his license has been suspended or revoked pursuant to the provisions of Section 56-5-2990 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 and subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years;

(d) no portion of the minimum sentence imposed under this item may be suspended.

(B) The Department of Motor Vehicles upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while his license was suspended for a definite period of time shall extend the period of the suspension 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 license of the person 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 under Section 56-9-500 prior to his 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.

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.

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 into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray expenses.

HISTORY: 2008 Act No. 353, Section 2, Pt 13A.1, eff July 1, 2008.

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 limits	4
(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
Failing to give signal or giving improper signal for stopping, turning, or suddenly decreased speed	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

HISTORY: 1962 Code Section 46-196; 1955 (49) 249; 1962 (52) 1976; 1966 (54) 2383; 1970 (56) 2383; 1988 Act No. 532, Section 7.

SECTION 56-1-730. Warning tickets shall not be 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 a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department. The remainder of 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.

(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.

SECTION 56-1-745. Repealed by 2011 Act No. 13, Section 1, eff April 12, 2011.

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 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: 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.

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.

No person issued a restricted driver's license under the provisions of Section 56-1-170(B), Section 56-1-320(A), Section 56-1-740(B), Section 56-1-746 (D), Section 56-5-750(G), Section 56-9-430(B), Section 56-10-260(B), Section 56-10-270(C), or Section 56-5-2951(H) shall subsequently be eligible for issuance of a restricted driver's license under these provisions.

HISTORY: 1992 Act No. 421, Section 5; 1999 Act No. 115, Section 5; 2008 Act No. 201, Section 3, eff February 10, 2009.

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 shall 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.

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 "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. No person's points may be reduced more than one time in any three-year period by the method provided for 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.

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. Determination that person is habitual offender; 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 shall 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.

ARTICLE 7.

PROVISIONAL DRIVERS' LICENSES

SECTION 56-1-1310. "Convicted" defined.

As used in this article "convicted" shall include convictions, forfeiture of bail or bond, entry of plea of nolo contendere and sentence thereon and entry of plea of guilty and sentence thereon.

HISTORY: 1975 (59) 66.

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 an ordinance of a municipality, or law of this State, that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Section 56-5-2930 and Section 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 as provided for in Section 56-1-1330, shall furnish proof of responsibility as provided for in Section 56-1-1350, 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 General Fund of the State 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.

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.

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 shall be kept in possession; issuance of license and convictions shall 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 56-1-1350. Proof of financial responsibility and assurance of acceptance into school.

The Department of Motor Vehicles shall require proof of financial responsibility and assurance of acceptance in the alcohol traffic safety school prior to the issuance of the provisional driver's license.

HISTORY: 1975 (59) 66.

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. Meaning of "moped".

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.

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 56-1-1730. Eligibility for, and suspension, revocation, or cancellation of, moped operator's license.

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 56-1-1740. 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 56-1-1750. Repealed by 2008 Act No. 336, Section 2, eff June 16, 2008.**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 a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray its expenses.

(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.

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:

(a) "H" authorizes the person to drive a vehicle transporting hazardous materials;

(b) "T" authorizes double trailers;

(c) "P" authorizes driving vehicles carrying passengers;

(d) "N" authorizes driving tank vehicles;

(e) "X" represents a combination of hazardous materials or tank vehicle endorsements, or both;

(f) "S" authorizes the person to drive school buses.

(3) Restrictions:

(a) "K" restricts the person to vehicles not equipped with airbrakes;

(b) "Z" except tractor trailer;

(c) "Z-1" may not operate commercial motor vehicles with a gross vehicle weight rating or a gross combination weight rating exceeding 26,000 pounds.

(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.

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 and 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 Special identification card; application; fees; special requirements based on age.

(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:

- (1) the application is made on a form approved and furnished by the department; and
- (2) the 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.

(B)(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.

(C) The identification card expires five years from the date of issuance.

(D) 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.

(E) 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.

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.