

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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May 3, 2006

The Honorable André Bauer
President of the Senate
State House, 1st Floor, East Wing
Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 800, R-277, a bill that would increase the monetary fine and permit custodial arrest for adults who violate the child restraint law.

In allowing primary enforcement of the seat belt law to become law without my signature, I was transparent about my intentions with respect to future seat belt laws:

“I want to be clear in my commitment to veto any further changes unless they involve transitioning to seat belt enforcement built around admissibility in the courtroom for seat belt usage. I think that provision is key to holding people responsible for their own actions while preserving their freedom and ability to weigh the consequences of those actions.”

Like the seat belt bill, this bill fails to recognize one of the central tenets of responsibility in a legal sense – admissibility in a court of law. The domain of personal judgment should be preserved as people make these types of decisions and, likewise, individuals should know that if they make the wrong decision and are in a wreck they may not be able to collect damages that would otherwise be afforded to them and their families had they made a different decision.

However, that is not the case with S. 800, as violation of the amended article remains inadmissible as evidence in any civil trial. In view of this gaping exemption, I believe this bill’s attempt at attaching personal responsibility to this offense by increasing a modest fine is half-hearted at best. In any case, I am bound by my earlier words to veto this legislation.

In dealing with issues like S. 800, I believe we must keep a watchful eye out for the intrusion of government into our homes and families. Small children should be secured in safety seats, but making sure they do so is the primary responsibility of parents, not the government.

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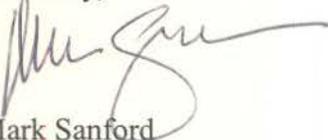
Government's involvement often comes at the expense of undermining parental responsibility and authority and, I believe, this course in the long run is troubling. It has been proven that it is more dangerous to drive at night or in the rain - are these times when parents should be penalized for taking those additional risks with the lives of their children? Different parents have very different views on the degree to which activities around the house are dangerous. Folks in the country view certain activities as just part of growing up while people in the city might see them as life-threatening. Should a parent look at custodial arrest because society at large holds a different view of risks they have deemed acceptable within their own family? Should government manufactured safety seats financed with your tax dollars ultimately be a requirement in all cars?

After all, if our real goal is to make sure children are in booster seats and we are working from the notion that government can best decide the smallest of decisions for its citizens, why not charge an agency with issuing safety seats to all new mothers and policing their mandated use? I think some lines have to be drawn on government mandating parental decisions when government will not start with the basics - that individuals and families ought to be liable and responsible for their own actions.

In and of itself, there is nothing wrong with the motivation behind S. 800, but, bit by bit, I do believe legislation like this saps parents of their duty to be responsible - furthering our nation's growing dependence on its government without truly acquainting offenders with personal responsibility for their actions. Again, I want to be consistently clear on this notion of personal responsibility as it relates to seat belts - I cannot, in good conscience, sign a seat belt bill that fails to address the current inadmissibility of seat belt evidence in a court of law.

For the reasons stated above, I am vetoing S. 800, and returning it without my approval.

Sincerely,



Mark Sanford