



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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***NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.***

# HOUSE WEEK IN REVIEW

The House of Representatives returned **H.3003**, a bill establishing a **PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING**, to the Senate with amendments. This legislation requires the State Elections Commission to implement a system for issuing voter registration cards with a photograph of the elector to be used for voting purposes only. Under the legislation, when a person presents himself to vote he is required to produce photograph identification in the form of a valid and current: South Carolina driver's license, other form of identification containing a photograph issued by the Department of Motor Vehicles (DMV), passport, military photo identification issued by the federal government, or South Carolina voter registration card containing a photograph. The legislation requires one of the poll managers to compare the photograph contained on the required identification with the person presenting himself to vote and verify that the photograph is that of the person seeking to vote. If the elector cannot produce the required identification, he may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the county board of voter registration and elections before certification of the election by the county board of canvassers. If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the legislation establishes a process allowing the elector to cast a provisional ballot. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification. The legislation provides for poll watchers to be allowed to sit directly behind the poll managers responsible for voter identification and verification for the purpose of observing and hearing the voting process. The legislation requires the DMV to issue a special identification card to a person who is at least seventeen years old at no charge; currently, there is a fee for the issuance of this special identification card. A special identification card may be issued for individuals between the ages of five and sixteen for a five dollar fee. In order to assist someone who lacks a birth certificate in obtaining a special identification card, the legislation requires coordination between the State Registrar in the Department of Health and Environmental Control and the DMV in the transmission of suitable information concerning name and date of birth at no charge to the applicant. The State Election Commission is required to establish a voter education program concerning the new provisions and to implement necessary accommodations to allow voting in each county to comply with the Help America Vote Act.

*The Senate approved a different version of **H.3003**. Notably, in addition to photograph identification requirements for voting, the bill as passed by the Senate, includes an early voting procedure that allows all qualified electors to cast ballots during a period of time leading up to an election.*

The House approved **S.434** and enrolled the legislation for ratification. This joint resolution suspends a Fiscal Year 2010-2011 General Appropriations Act provision prohibiting the Department of Health and Human Services from reducing **MEDICAID PROGRAM PROVIDER RATES**. The legislation authorizes the DHHS director to reduce rates paid to doctors and other providers under the state's Medicaid Program as

a cost saving measure. All proposed rate changes must include estimates of the projected dollar savings by source of funds and the number of providers and clients impacted. Six months after receiving approval from the Centers for Medicare and Medicaid Services to implement rate changes, DHHS must submit to the Senate Finance Committee and House Ways and Means Committee a report reconciling actual savings by source of funds and actual providers and clients impacted in comparison to the estimate.

The House concurred in Senate amendments to **H.3374** and enrolled the bill for ratification. The legislation authorizes South Carolina to enter into an **INTERSTATE WILDLIFE VIOLATOR COMPACT** that allows member states to coordinate the enforcement of their statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources. The compact allows member states to provide reciprocal recognition of wildlife violations and suspensions of hunting and fishing license privileges. A violator is allowed to accept certain wildlife citations and proceed on the violator's way without delay whether or not the person is a resident in the state in which the citation was issued, provided that the violator's home state is a party to the compact. The legislation provides for the Director of the Department of Natural Resources to appoint South Carolina's Compact Administrator who serves as the state's representative on the Board of Compact Administrators interstate governing body.

The House approved and sent to the Senate **H.3562**, the "**ALL-TERRAIN VEHICLE SAFETY ACT**" also known as "**CHANDLER'S LAW**". The legislation provides that it is unlawful for the parents or legal guardian of a person less than six years old to knowingly permit that person to operate an all-terrain vehicle (ATV). The legislation further provides that it is unlawful for a parent or legal guardian of a person without a driver's license and less than sixteen years old to knowingly allow that person to carry a passenger while operating an ATV. Under the bill, it is unlawful to remove from an ATV the required manufacturer Age Restriction Warning Label or for a parent or legal guardian of a person less than sixteen years of age to knowingly allow that person to operate an ATV in violation of the Age Restriction Warning Label affixed by the manufacturer. A person fifteen years of age or younger may not operate, ride, or otherwise be propelled on an all-terrain vehicle within the state unless the person wears a safety helmet. Effective July 1, 2011, every person fifteen years old and younger who operates an all-terrain vehicle must possess a safety certificate indicating successful completion of 'hands-on' all-terrain vehicle safety course approved by the All-Terrain Vehicle Safety Institute. The legislation establishes additional restrictions for the operation of ATVs on lands open to the public. The legislation provides that all-terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011. A violation of the All-Terrain Vehicle Safety Act is a misdemeanor subject to a fine of not less than fifty nor more than two hundred dollars. The All-Terrain Vehicle Safety Act does not apply to: an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming or ranching operations; or a person using an all-terrain vehicle for hunting or trapping purposes if the person otherwise is lawfully engaged in those activities. The bill also establishes procedures for the titling of ATVs.

The House amended, approved, and sent to the Senate **H.3431**, which enacts "**JOHN'S LAW**" pertaining to **PUBLIC RAILROAD CROSSINGS**. This legislation requires the Department of Transportation to publish on its website (1) a list of all public railroad crossings, and (2) the list of railroad crossings programmed for upgrades. Contingent

upon the receipt of additional funds for the installation of public railroad signals and gates, the department is directed to increase the number of installations of railroad signals, crossing arms, or both utilizing all funds available for this type of work at dangerous railroad crossings throughout the state.

The House amended, approved, and sent to the Senate **H.3013**, which **ALLOWS A SCHOOL DISTRICT TO BE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS**. This legislation provides a mechanism for a local school district to be exempt from statutes and regulations relating to the Education Accountability Act upon meeting certain conditions. The district must apply to the State Board of Education for exemption, but in no case may the board grant exemption from state statute or regulation for four year old education programs. The legislation specifies what the application must include and how the application must be made. The State Board of Education must adopt rules and promulgate regulations regarding application procedures. A local school district that receives an exemption must be evaluated by the State Board after three years to ensure that it continues to meet the needs of the students of the district. The legislation provides for suspension of the exemption upon certain conditions. Also, the legislation repeals two other code sections pertaining to exemptions. The legislation further provides that the facilities of any public or nonprofit private college, university, or technical college, which comply with applicable state, county, and local fire codes, may be used without modification for secondary school students in joint or cooperative programs, which include, but are not limited to, middle or early college programs and dual enrollment programs.

The House gave second reading approval to **H.3735**, the “**SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT.**” The legislation provides that an incandescent light bulb that is manufactured commercially or privately in this state from basic materials that can be manufactured without the inclusion of any significant parts imported from another state and is offered for sale and sold for use only within the borders of this state is deemed to be in the stream of intrastate commerce, rather than interstate commerce, and is not subject to federal law or federal regulation.

The House amended, approved, and sent to the Senate **H.3124**, the **OMNIBUS SPECIAL LICENSE PLATE BILL**. This legislation provides for the issuance of the following license plates: ‘Distinguished Service Medal’ Special License Plate; ‘Second Amendment’ Special License Plate; ‘Historic’ automobile special motor vehicle license plate for use on a private passenger motor vehicle or a motorcycle that is 25 years or older; ‘Distinguished Service Cross’ Special License Plate; ‘Department of the Navy’ Special License Plate; ‘Parents and Spouses of Active Duty Overseas Veterans’ Special License Plates; ‘State Flag’ Special License Plates; ‘South Carolina Highway Patrol-Retired’ Special License Plates; ‘Eagle Scouts of America’ Special License Plates; ‘I Support Libraries’ Special License Plates; ‘South Carolina Educator’ Special License Plates; ‘Coon Hunters’ Special License Plates; ‘Beach Music’ Special License Plates; Citadel Alumni Association ‘Big Red’ Special License Plates; ‘Largemouth Bass’ Special License Plates; High School Special License Plates; ‘South Carolina Wildlife Federation’ Special License Plates; and University of South Carolina Gamecocks 2010 NCAA College World Series Baseball National Championship Special License Plate. The legislation allows a coroner to be issued two special license plates. The legislation allows frames for license plates. With regards to the existing Veteran’s special license plate, this bill allows qualified persons to have the wheelchair symbol placed on this plate as well as allows qualified individuals to have the word ‘disabled’ placed on this

plate. The bill allows for the issuance of a third Purple Heart License Plate upon payment of the regular registration fee and a special fee. The bill raises the fee requirements for special license plates to a non-profit. The bill also allows the Department of Motor Vehicles to set \$10 dollar special license plate fee if the sponsoring entity does not set fee.

The House amended, approved, and sent to the Senate **H.3259**, which pertains to **OPERATING GOLF CARTS ALONG THE STATE'S HIGHWAYS**. The legislation provides that when a golf cart owner's residence is located within a gated community, the two-mile limit for operating the golf cart on a secondary highway or street must be measured from the community's entrances and not from the owner's residence. The legislation also includes provisions for the operation of a golf cart along a secondary highway or street on a sea island.

The House approved and sent to the Senate **H.3582**, a bill which revises the **ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN A SOLICITOR'S TRAFFIC EDUCATION PROGRAM**. This bill allows a person to be considered for a traffic education program if he has no significant history of traffic violations. Currently, the person must have no points on his driving record.

The House approved and sent to the Senate **H.3679**, relating to **TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)**. This bill further clarifies offenders who must be tested and the time frame that testing must be conducted as well as provides for follow-up testing for HIV when medically appropriate.

The House approved and sent to the Senate **H.4040**, a joint resolution **EXTENDING THE DEADLINE FOR THE MICROENTERPRISE DEVELOPMENT STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT** from January 20, 2011, to January 20, 2012.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

### EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

### JUDICIARY

The Judiciary Committee met on Tuesday, April 5, and reported out several bills.

**H.3342**, relating to the **OFFICE OF MOTOR VEHICLE HEARINGS OF THE ADMINISTRATIVE LAW COURT**, received a favorable report. Among other things, this bill replaces the term "administrative hearing" with the term "contested hearing" with regards to certain hearings before the Office of Motor Vehicles. The bill also increases the filing fee for a contested case from \$150 to \$200. Funds generated from the collection of this fee must be retained by the Administrative Law Court, provided however, that these funds must first be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the chief judge of the Administrative Law Court.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3229**. The legislation enacts the **"BEHAVIORAL HEALTH SERVICES ACT OF 2011"** which is charged with (1) developing the State Plan for Behavioral Health Services which must provide for a unified system for the delivery of coordinated, client-centered behavioral health services, and (2) overseeing the administration and delivery of behavioral health services. The Department of Behavioral Health consolidates three entities and is comprised of the Division of Alcohol and Other Drug Abuse Services, the Division of Mental Health, and the Division of the Continuum of Care for Emotionally Disturbed Children. The Director of the Department Behavioral Health Services is appointed by the Governor, with the advice and consent of the Senate. Among other things, existing boards become advisory to the Department of Behavioral Health Services, and the legislation also creates an advisory board for the Division of Alcohol and Other Drug Abuse Services.

**H.3183**, relating to **LOBBYING AND ETHICS**, received a favorable with amendment report. Relating to the registration and reregistration of lobbyists and lobbyist principals, this bill requires the payment of all outstanding penalties before a lobbyist or lobbyist principal may resume lobbying activities. The bill amends the definition of the term "family member" for the purposes of the Ethics, Government Accountability, and Campaign Reform Act, so as to include brothers-in-law and sisters-in-law. Relating to the use of one's official position for official gain, this bill replaces certain references to "immediate family" with the broader term "family member". Relating to the authority of the State Ethics Commission to enforce filing requirements and assess penalties for failure to file, the bill caps certain fines at \$5,000 and outlines penalties for first, second, and third and subsequent offenses. Relating to penalties for either late filing of or failure to file a report or statement this bill caps certain fines at \$5,000, and outlines penalties for first, second and third and subsequent offenses.

The Judiciary Committee gave a favorable report to **H.3582**, a bill which revises the **ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN A SOLICITOR'S TRAFFIC EDUCATION PROGRAM**. This bill allows a person to be considered for a traffic education program if he has no significant history of traffic violations. Currently, the person must have no points on his driving record.

**H.3679**, relating to **TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)**, received a favorable report this week. This bill further clarifies offenders who must be tested and the time frame that testing must be conducted as well as provides for follow-up testing for HIV when medically appropriate.

**H.3127**, pertaining to **EXPUNGEMENT OF CRIMINAL RECORDS FOR A PERSON WHO HAS RECEIVED A PARDON**, received a favorable with amendment report from the Judiciary Committee. This legislation provides that a person who has received a pardon for any crime except criminal sexual conduct or a crime of violence as defined in Section 16-23-10(3), may apply, or cause someone acting on his behalf to apply to the circuit court for an order expunging the records of his arrest and conviction.

The full committee gave a favorable with amendment report to **H.3543**, a bill relating to **BENCH WARRANTS**. This bill provides that a judge may not issue a bench warrant for failure to appear in court, unless the solicitor or clerk of court has provided notice to the attorney of record before the bench warrant is issued.

**H.3607** received a favorable with amendment report from the full committee. Relating to **ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES**, this bill provides that a warrant is not required to be endorsed by a magistrate in the county where a person charged with a crime resides or where he is located. The bill includes provisions for serving the warrant under these circumstances.

**H.3606**, relating to **ARREST WARRANTS AND COURTESY SUMMONS**, received a favorable with amendment report. This legislation provides that an arrest warrant may not be issued for the arrest of a person unless sought by a member of a law enforcement agency acting in their official capacity. If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed.

## **LABOR, COMMERCE AND INDUSTRY**

The full Labor, Commerce and Industry Committee did not meet this week.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The Ways and Means Committee met on Tuesday, April 5, and reported out several bills.

The committee gave a favorable report on **H.3456**, a bill that creates the **OTHER FUNDS OVERSIGHT COMMITTEE** to review the state's "other funds" which are any

revenues received by an agency that are not federal funds and are not general funds appropriated by the General Assembly in an appropriations act. The legislation establishes the membership of the eight-member joint legislative committee and charges the committee with examining the source of other funds in this state and recommending to the General Assembly the appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. The legislation requires all agencies to cooperate with the committee and provides for the State Budget Office to notify the committee of any request for an increase in interim budget authorization.

The committee gave a favorable with amendments recommendation to **H.3709**, a bill **TRANSFERRING THE STATE MUSEUM, THE MUSEUM COMMISSION, AND THE ARTS COMMISSION TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM**, placing them under administration and supervision of the department.

The committee gave a favorable report on **H.3779**, bill enacting the “**BILL WYLIE ENTREPRENEURSHIP ACT OF 2011**” to encourage greater availability of early stage capital for emerging high-growth enterprises in South Carolina by providing for state nonrefundable “angel investor” income tax credits allocated by the Department of Commerce to individuals who make qualified investments in businesses primarily engaged in such endeavors as manufacturing, processing, warehousing, wholesaling, software development, information technology services, and research and development.

The committee gave a favorable with amendments report on **H.3720**, a bill revising **ECONOMIC DEVELOPMENT INCENTIVES**. The legislation revises the jobs tax credit requirements of a qualifying service-related facility by decreasing the required numbers of new jobs produced in order for a facility to qualify for the credit. The legislation expands eligibility for the jobs tax credit for a technology intensive facility to include data processing, computer facilities management, other computer-related services, and multi-use facilities. The legislation provides that a corporation establishing a national corporate headquarters or expanding or adding to an existing national corporate headquarters in this state, which adds at least fifty new full-time jobs, shall be exempt from paying state corporate income taxes for a period of ten years. The legislation revises tax credits for providing infrastructure, so as to increase the maximum aggregate credit to four hundred thousand dollars annually. The legislation revises provisions for fee in lieu of taxes arrangements, so as to provide that a county auditor or county assessor may request and obtain any financial books and records from a sponsor that support the sponsor’s tax form or return to verify the calculations of the fee in lieu of taxes tax form or return. The legislation establishes a sales tax exemption for computers, computer equipment, computer hardware and software purchases for a datacenter and electricity used by a datacenter.

The committee gave a favorable report on **H.3233**. This bill revises provisions relating to **REDEVELOPMENT PROJECT COSTS**, so as to provide that property assembly costs also include the cost of environmental remediation.

The committee gave a favorable with amendments report on **H.3506**, a bill revising **ECONOMIC DEVELOPMENT PROVISIONS**. This legislation expands eligibility of the job tax credit for technology intensive facilities to include research and development in biotechnology and research and development in physical, engineering, and life sciences. The legislation revises provisions relating to the tax credit for infrastructure improvements for water, wastewater, hydrogen fuel, sewer, gas, steam, electric energy,



and communication services, so as to include certain site preparation costs within the definition of infrastructure improvements which give rise to the credit. The legislation specifies that the duration of a fee in lieu of tax arrangement is for a maximum of thirty years rather than for thirty years outright.

The committee gave a favorable report on **H.3059**. This bill revises the **INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES** by: eliminating the tax credit's expiration date; revising the definition of qualified vehicles; increasing the maximum aggregate amount of the credit available each fiscal year from two hundred thousand dollars to five hundred thousand dollars; and providing that the credit must be allocated to eligible claimants during a fiscal year on a first-come, first-serve basis.

The committee gave a favorable with amendments report on **H.3194**, a bill allowing a maximum three thousand dollar a year **STATE INCOME TAX DEDUCTION FOR VOLUNTEER STATE CONSTABLES** designated by the State Law Enforcement Division. The legislation establishes eligibility requirements for this deduction.

The committee gave a favorable report on **H.3346**, a bill authorizing a state **TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT** in an amount equal to thirty-five percent of the amounts for specific types of installations. The legislation provides that the credit is authorized against state tax liability that includes income taxes, corporate license taxes, bank and building and loan taxes, and insurance premium taxes.

The committee gave a favorable report on **H.3488**, a bill **REVISING SALES TAX PROVISIONS**. This legislation revises the sales tax exemption for durable medical equipment by eliminating the provisions that phase in the exemption contingent upon sufficient revenue growth. The legislation revises sales and use tax provisions, so as to provide further for those instances where sales and use tax applies in connection with warranties and service maintenance contracts sold in connection with the sale of tangible personal property.

The committee gave a favorable with amendments report on **H.3747**. This bill provides a **SALES TAX EXEMPTION FOR BIOLOGICS** administered by a physician in a physician's office. The legislation specifies that biologics are products applicable to the prevention, treatment, or cure of a disease or condition of human beings that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms.

The committee gave a favorable with amendments report on **H.3713**, a bill that revises provisions for **POINT OF SALE TAX REASSESSMENT OF REAL PROPERTY** under the South Carolina Real Property Valuation Reform Act (Act No. 388) of 2006. This legislation provides that when a parcel of real property along with any improvements previously subject to property tax is sold or undergoes another assessable transfer of interest and the value of the parcel, as determined at the time of the assessable transfer of interest, is greater than the value of the parcel used in the property tax assessment on the parcel for the most recently completed property tax year, there is allowed an exemption of an amount of the fair market value of the parcel sufficient to eliminate any increase in the value of the parcel. The legislation takes effect upon approval by the Governor and applies to real property transfers after December 31, 2010.

The committee gave a favorable report on **H.3083**, “**THE SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT**”. The legislation eliminates the July 1, 2013, sunset date for the South Carolina Conservation Bank and makes permanent other provisions of the Act 200 of 2002, which originally authorized the Conservation Bank.

The committee gave a favorable report on **H.3063**, pertaining to the **CALCULATION OF REAL PROPERTY TAX MILLAGE IN A MULTI-COUNTY MUNICIPALITY**. The legislation establishes provisions for utilizing a blended millage format in a municipality with boundaries extending into multiple counties that implement countywide appraisal and equalization programs on different schedules.

The committee gave a favorable with amendments report on **H.3657**. This bill establishes minimum continuing education course requirements for **COUNTY TAX COLLECTORS**. The legislation authorizes a county forfeited land commission to refuse to accept title to property when refusal is in the public interest. The legislation revises provisions relating to delinquent tax sales, so as to provide for the sales date and to increase from three hundred to five hundred dollars the damages for which a defaulting bidder is liable.

The committee gave a favorable with amendments report on **H.3650**. This bill revises provisions relating to **CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE** and the prorated property tax refund due on that cancellation. The legislation revises provisions relating to the discovery of untaxed property for purposes of property taxes, so as to provide the duties of the assessor with respect to this property.

The committee gave a report of favorable with amendments on **H.3934** which revises the application of the **MULTI-LOT PROPERTY TAX DISCOUNT** available under provisions for the property tax assessment of undeveloped acreage subdivided into lots.

## **BILLS INTRODUCED IN THE HOUSE THIS WEEK**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **H.4054 HUNTING MIGRATORY WATERFOWL Rep. Sandifer**

It is unlawful to hunt migratory waterfowl on Lake Keowee within two hundred yards of a dwelling. Lake Keowee includes all waters of Keowee River impounded by the Little River Dam at Newry and the Keowee Dam to the Jocassee Dam.

## EDUCATION AND PUBLIC WORKS

### **H.4032 ANTIQUE VEHICLES Rep. Quinn**

Under this legislation, a motor vehicle which is over twenty-five years old, owned solely as a collector's item and is used for participation in club activities, exhibits, tours, parades, and similar uses, but in no event used for general transportation, and has a gross vehicle weight of 10,000 pounds or less may be classified by the Department of Motor Vehicles as an antique motor vehicle. A motor vehicle which has a gross vehicle weight in excess of 10,000 pounds that otherwise meets these provisions may be classified as an antique truck. The legislation provides that the fee for the certificate of registration and license plate for an antique truck is \$50.

### **H.4045 STATE SUPERINTENDENT OF EDUCATION WITH FINAL APPELLATE AUTHORITY OVER DECISIONS RENDERED BY THE SOUTH CAROLINA HIGH SCHOOL LEAGUE Rep. Merrill**

This legislation provides that a decision made by the South Carolina High School League that affects a student, team, or program in a South Carolina public school may be appealed to the State Superintendent of Education or his designee. The State Superintendent of Education shall serve as the final appellate authority over the decision, and the affected party and the South Carolina High School League shall abide by his final decision.

## JUDICIARY

### **S.30 ARREST WARRANTS AND COURTESY SUMMONS Sen. McConnell**

This legislation provides that no arrest warrant shall be issued by a magistrate unless sought by: (a) a law enforcement officer acting in the officer's official capacity; (b) a business seeking an arrest warrant for an offense against the business; (c) a person seeking an arrest warrant for a fraudulent check, if the fraudulent check or a legal copy of the fraudulent check is presented to the magistrate at the time the warrant is sought; or (d) a person seeking an arrest warrant for offenses involving criminal domestic violence, harassment, assault and battery in the second degree, or assault and battery in the third degree. If an arrest warrant is sought by a person other than those listed, the court must issue a courtesy summons. If, after being served the summons, a defendant named in the summons fails to appear before the court pursuant to the summons, the court may issue an arrest warrant for the underlying offense based upon the original sworn statement of the person who sought the summons, provided the sworn statement establishes probable cause that the underlying offense was committed.

### **H.4026 UNLAWFUL FOR THE OPERATOR OR AN ADULT PASSENGER OF A MOTOR VEHICLE TO LEAVE THE MOTOR VEHICLE WHEN A CHILD IS LEFT UNATTENDED Rep. Gillard**

This legislation makes it unlawful for the operator or an adult passenger of a motor vehicle to leave the motor vehicle when a child is left unattended, regardless of whether the vehicle's operator or adult passenger is charged with the care or custody of the child. 'Child' means a person under the age of fifteen. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned for not more than 30 days.

### **H.4041 PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO BILLS AND JOINT RESOLUTIONS BEING PRESENTED TO THE GOVERNOR FOR HER CONSIDERATION, SIGNATURE, OR VETO Rep. Sellers**

This is a joint resolution proposing to amend the State Constitution relating to bills and joint resolutions being presented to the Governor for her consideration, signature, or veto. This legislation provides that instead of a bill or joint resolution being deemed to take effect if it is not acted on by the Governor within five days after being presented to her, Sundays excepted, it shall be deemed to having been vetoed without comment if it is not acted on within fifteen days after being presented to her, Sundays excepted. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

### **H.4043 DRUG TESTS AND UNEMPLOYMENT BENEFITS Rep. Tallon**

This legislation provides that an employer may confidentially notify the Department of Employment and Workforce when a prospective employee fails a drug test required by the employer as a condition of employment if the prospective employee is receiving unemployment benefits. The legislation provides that the department shall suspend the benefits of a person who, while receiving benefits, fails a drug test taken as a condition of an application for employment; the department may not restore these suspended benefits until the person has successfully completed a drug treatment program and passed a drug test. The department may not provide or restore retroactively a benefit to a person for a period in which his benefits are suspended. The department shall

develop a consent form that an employer may use to obtain the consent of a prospective employee to give the department the results of a drug test required by the employer as a condition of employment. The legislation provides that the use of this consent form limits the liability of the employer for breach of confidentiality, invasion of privacy, intentional infliction of emotional distress, and defamation claims resulting from the provision of the drug test results to the department.

**H.4052 REVISIONS TO CIVIL PENALTIES APPLICABLE WITH RESPECT TO VIOLATIONS ARISING PURSUANT TO THE USER FEE ON MOTOR FUELS Rep. Frye**

Relating to civil penalties applicable with respect to violations arising pursuant to the user fee on motor fuels, this bill deletes the minimum \$1,000 civil penalty and limits to a total of \$1,000 the ten dollars a gallon civil penalty that may be imposed on a vehicle operator for the unlawful use of dyed fuel in any one vehicle or for the storage of dyed motor fuel for unlawful use in any one storage tank.

## **LABOR, COMMERCE AND INDUSTRY**

### **H.4042 MOTOR VEHICLE GLASS REPAIR BUSINESS ACTING AS A THIRD PARTY ADMINISTRATOR OF INSURANCE CLAIMS Rep. Harrison**

This bill provides that it is an unlawful trade practice for a motor vehicle glass repair business actively engaged in the repair of motor vehicle glass, or a person or entity with a ten percent or more ownership interest in that business, and acting as a third party administrator of insurance claims made pursuant to insurance coverage for motor vehicle glass repair to: (1) refer or steer, or cause to be referred or steered, an insured's motor vehicle glass repair business to itself; or (2) use consumer information obtained in the process of acting in that dual capacity to solicit motor vehicle glass repair business.

## **WAYS AND MEANS**

### **S.211 "I-95 CORRIDOR AUTHORITY ACT" Sen. Matthews**

This bill establishes the I-95 Corridor Authority to carry out economic development and educational improvement activities which, in the opinion of the authority, will improve the economic conditions in its member counties located along Interstate 95. The legislation provides for the composition of the authority. In addition to state funding, the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds which must be held in a distinct I-95 Corridor Authority Fund and distributed as grants. The authority, in consultation with the South Carolina Research Authority, shall develop a process by which the I-95 Corridor Authority may execute recommendations of the I-95 Corridor Human Needs Assessment regarding technology-based economic development.

### **S.435 EXPENDITURE REPORTS REQUIRED FOR NON-GOVERNMENTAL ORGANIZATIONS RECEIVING LOCAL GOVERNMENT GRANTS Sen. Elliott**

This bill establishes requirements for a non-governmental entity, agency, or organization, whether for or not-for-profit, that received more than one hundred dollars in county or municipal grants in the previous calendar year, to submit quarterly expenditure reports to the jurisdiction awarding the funds.

### **H.4053 SALES TAX EXEMPTION FOR EQUIPMENT USED IN THE PRODUCTION OF ELECTRIC OR HYBRID MOTOR VEHICLES Rep. Stavrinakis**

This bill establishes a state sales tax exemption for any device, equipment, or machinery actually used in the production of electric or hybrid motor vehicles, whether or not the purchases of these items are capitalized or expensed.

**H.4055 K-12 TO BE GIVEN FIRST PRIORITY IN EDUCATION LOTTERY  
ACCOUNT FUNDING Rep. R. L. Brown**

This bill establishes requirements for the General Assembly to give first priority to elementary and secondary public education purposes in making appropriations of funds from the Education Lottery Account.

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