



South Carolina House of Representatives

Legislative Update

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

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HOUSE WEEK IN REVIEW

The House of Representatives amended and returned to the Senate **S.1031**, a bill imposing new requirements relating to **DEMOLISHING VEHICLES** to reduce the likelihood that stolen property is being turned over to junk dealers, vehicle demolishers, and secondary metal recyclers. The legislation imposes new requirements for turning over a valid title certificate with a vehicle to a demolisher in order for the vehicle to be demolished. The legislation establishes alternate means of satisfying proof of ownership to allow a vehicle to be demolished without producing a title to apply in situations where vehicles have been obtained through sheriffs' sales, public auctions of abandoned vehicles, and similar lawful transactions. The legislation establishes a procedure allowing someone to turn over older derelict vehicles for demolishing without a title or other proof of ownership. Such vehicles, including wrecks abandoned on one's property, must be at least twelve model years old and must lack an engine or be otherwise totally inoperable. Before completing a transaction on such older vehicles, the demolisher or secondary metals recycler must verify with the Department of Motor Vehicles whether the vehicle has been reported stolen. If a vehicle has been reported stolen, the transaction must not be completed and the demolisher or secondary metals recycler must notify the appropriate law enforcement agency. The legislation enhances record keeping requirements for businesses and criminal penalty provisions for violations. First offenses remain misdemeanors, and second and subsequent offenses are felonies subject to a fine of up to one thousand dollars and/or imprisonment for up to three years. Falsifying a required application, form or affidavit is a felony offense. In lieu of criminal penalties, the director of the Department of Motor Vehicles may issue an administrative fine of up to one thousand dollars for each unintentional violation. Also, a vehicle used to transport a vehicle or vehicle parts unlawfully may be subject to seizure by law enforcement and forfeiture.

S.1031 also includes revisions to the legislation that the General Assembly approved last year to address the problem of **COPPER THEFT** by enhancing penalties for unlawfully obtaining copper and other nonferrous metals and imposing new restrictions on the sales of such metals that require recyclers and others who sell, purchase and transport nonferrous metals to obtain permits from the sheriff. Notably, the legislation revises the criminal offense established for unlawfully obtaining metals so that it includes lead-acid batteries and steel propane gas tanks, but excludes aluminum cans. The legislation makes revisions regarding required permits. A statewide permit is authorized for transporting nonferrous metals that is valid for a period of two years, rather than one year. The legislation provides for the revocation of permits for violations. To strengthen the existing prohibition on cash transactions for the sale of copper, catalytic converters and beer kegs that requires recyclers to pay for such purchases by check alone, the legislation prohibits a recycler from cashing checks or making use of an automated teller machine (ATM) or other cash card system instead of a check. The legislation prohibits a recycler from purchasing or otherwise acquiring an iron or steel manhole cover or drainage grate. The restrictions placed on metal purchases are revised to establish several exemptions for governments, businesses and charities that have lawful reasons for dealing with scrap metal.

The House amended, approved, and sent to the Senate **H.4944**, the "**SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT**". The legislation

provides that a physician or other health care provider who performs telemedicine services in an approved manner must be reimbursed by an insurer for those services in the same manner as health care services provided through an in-person consultation. Under the legislation, telemedicine means the delivery of health care, including diagnosis, treatment, or transfer of medical data, by means of interactive audio, video, or data communications by a licensed physician or other health care provider at a consultant site to a patient at a referring site. Interactive audio and video telecommunications must be used between the consultant site and the referring site. The legislation specifies the responsibilities of the telemedicine provider to promptly and electronically communicate the details of an encounter to the patient's medical home, or, when a patient has no medical home, to either perform or arrange a face to face encounter between the patient and a physician within one week. The South Carolina Board of Medical Examiners has the authority to authorize other specific programs that use standard telephone, facsimile transmissions, unsecured electronic mail, or a combination of them to render health care services, but services rendered through such means do not constitute telemedicine under the legislation.

The House amended, approved, and sent to the Senate **H.3258**. This bill provides that a **UNITED STATES NAVAL ACADEMY SPECIAL LICENSE PLATES MAY BE ISSUED TO A SURVIVING SPOUSE OF A GRADUATE**. This bill also allows the Department of Motor Vehicles to issue a **UNITED STATES NAVY CHIEF PETTY OFFICER SPECIAL LICENCE PLATE**.

The House approved **S.1268** and enrolled the legislation for ratification. This joint resolution provides that, in 2013 and 2014, the annual **FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE** for vehicles in the manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is seven hundred two dollars. The legislation provides that twenty dollars of each fee is credited to the General Fund of the state and the balance to local governments. In the case of employees participating in the benefit program who reside outside of this State, the entire fee must be credited to the General Fund of the state.

HOUSE COMMITTEE ACTION

JUDICIARY

The Judiciary Committee met on Wednesday, May 9, and reported out four bills.

The full committee gave a favorable with amendment report to [S.1014](#), which pertains to **QUALIFICATIONS FOR CANDIDATES FOR CORONER**. The legislation eliminates two years experience as a licensed private detective as a qualification for the ballot. The legislation further provides that a Coroners Advisory Training Advisory Committee shall determine those forensic science degree and certification programs that qualify as "recognized" for purposes of the training requirements required for candidates for coroner.

The Judiciary Committee gave a favorable report to [S.1149](#), the "**BORN ALIVE INFANT PROTECTION ACT**". This legislation provides that in determining the meaning of any act or joint resolution of the General Assembly or in a regulation, unless otherwise defined in the act, joint resolution, or regulation, the words 'person', 'human being', 'child', and 'individual' must include every infant member of the species homo sapiens who is born alive at any stage of development. The term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion. Nothing in this legislation may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive.

[S.1127](#) received a favorable recommendation from the full committee. This legislation makes various **REVISIONS TO CERTAIN BOARDS AND COMMISSIONS IN THE MEDICAL FIELD TO REFLECT THE ADDITION OF A SEVENTH CONGRESSIONAL DISTRICT**. Also, with regards to the various departments of government, this legislation eliminates a specific number of board members that must be appointed to govern a department.

[S.1088](#) received a favorable with amendment report from the Judiciary Committee. As approved by the Judiciary Committee, this comprehensive legislation makes **VARIOUS REVISIONS TO ALL THE BOARDS AND COMMISSIONS TO REFLECT THE ADDITION OF A SEVENTH CONGRESSIONAL DISTRICT**. Generally, the legislation either adds an additional seat or converts an existing at-large seat into representation for the seventh congressional district.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on May 9 and reported out several bills.

The committee gave a report of favorable with amendments on **S.1125**, a bill providing a **DISQUALIFICATION FROM RECEIVING UNEMPLOYMENT COMPENSATION FOR THOSE WHO ARE FIRED FOR MISCONDUCT**. This legislation makes revisions relating to disqualification for unemployment benefits so as to provide that a person discharged from employment for misconduct is ineligible for benefits for twenty weeks beginning with the date the person filed a benefits request. Misconduct is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer. No finding of misconduct may be made for a discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance. In cases where the employee has been discharged for unsatisfactory conduct, ordinary negligence in isolated instances, or good-faith errors in judgment or discretion, the Department of Employment and Workforce retains its authority to determine the length of the ineligibility period on a case-by-case basis according to the seriousness of the cause for discharge. These disqualification provisions do not apply to a discharge resulting from substandard job performance due to inefficiency, inability, or incapacity. An employer's account is not to be charged when the department determines that the individual making the claim for unemployment benefits has been discharged for misconduct. The legislation also provides that, upon the determination of fraudulent overpayments of unemployment benefits, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment.

The committee gave a report of favorable with amendments on **S.1107**, a bill providing authority for the **ISSUANCE OF TEMPORARY PROFESSIONAL AND OCCUPATIONAL LICENSES TO SPOUSES OF ACTIVE DUTY MILITARY PERSONNEL** stationed in South Carolina. The legislation establishes the conditions under which a board or commission that regulates the licensure of a profession or occupation may issue a six-month temporary license to the spouse of an active duty member of the United States Armed Forces assigned to a duty station in this state. In order to obtain a temporary license, an applicant must meet the legislation's requirements, including holding a valid license issued in another jurisdiction and passing applicable criminal background checks.

The committee gave a favorable report on **S.1392**, a bill that brings state laws into compliance with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act by providing for the **INCLUSION OF DERIVATIVE TRANSACTIONS UNDER BANK LENDING LIMITATIONS**. The legislation includes derivative transactions under provisions relating to the maximum amount of loans by a bank to a borrower. A "derivative transaction" is defined as any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of any interest in, or any quantitative measure or the occurrence of any event relating to one or more commodities, securities, currencies, interest, or other rates, indices, or assets.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

JUDICIARY

H.5216 JUNE 2012 PRIMARY BALLOT Rep. Clemmons

This is a joint resolution to provide any person prohibited from appearing on the June 2012 primary ballot as the result of failure to file a Statement of Economic Interests with an opportunity to file a Statement of Economic Interests and appear on the ballot.

H.5246 NEIGHBORHOOD AND CRIME WATCH PROGRAMS Rep. Howard

Notwithstanding another provision of law, this legislation provides that before a person may participate as a member of a neighborhood watch or crime watch, he must, at his expense, successfully undergo a SLED criminal background check, and a mental health evaluation conducted by the Department of Mental Health. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. The terms 'neighborhood watch' and 'crime watch' mean an organized group of citizens devoted to crime and vandalism prevention within a neighborhood.

H.5249 INCREASED PENALTIES FOR CERTAIN OFFENSES RELATING TO POLICE AND SERVICE ANIMALS Rep. Limehouse

Relating to penalties associated with maltreating, injuring, or killing police dogs and horses, this legislation increases the fines and penalties, provides for mandatory minimum penalties, consecutive service of sentences, and allows for restitution to the appropriate law enforcement agency. Relating to a person with reckless disregard injuring, disabling, or causing the death of a guide dog or service animal, this legislation increases the penalties for violations. Relating to a person intentionally injuring, disabling, or causing the death of a guide dog or service animal, the legislation increases the penalties for violations.

H.5250 JUNE 2012 PRIMARY BALLOT Rep. Young

This is a joint resolution to provide that a person prohibited from appearing on the June 2012 primary ballot pursuant to Michael Anderson and Robert Barger v. South Carolina Election Commission, et. al. and who filed a Statement of Economic Interest by noon on March 30, 2012, is deemed a public official and to have met the filing requirements to appear on the June 2012 primary ballot if otherwise qualified.

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