

**South Carolina General Assembly**  
119th Session, 2011-2012

**S. 336**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Grooms

Document Path: I:\s-res\lkg\012ridg.kmm.lkg.docx

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Transportation**

Summary: Not yet available

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/11/2011	Senate	Introduced and read first time
1/11/2011	Senate	Referred to Committee on <b>Transportation</b>

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**VERSIONS OF THIS BILL**

[1/11/2011](#)

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**A BILL**

TO AMEND SECTION 56730 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56735 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 565710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56570, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF

1 WHETHER THE CAMERA OR OTHER ELECTRONIC  
2 DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE  
3 WAS ATTENDED OR UNATTENDED AT THE TIME IT  
4 CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO  
5 DISGORGE ANY FINES COLLECTED IN VIOLATION OF  
6 SECTION 56570.

7  
8 Be it enacted by the General Assembly of the State of South  
9 Carolina:

10  
11 SECTION 1. Section 56730(B) of the 1976 Code is amended to  
12 read:

13  
14 “(B) A law enforcement agency that issues uniform traffic  
15 tickets in an electronic format as provided in Section 56710 may  
16 generate a printed copy of this ticket by using an incar data  
17 terminal or hand held device. A copy of the ticket must be ~~given~~  
18 handed directly to the offender by the law enforcement officer  
19 issuing the ticket. The agency may then transmit the ticket data  
20 electronically to the Department of Motor Vehicles for its records  
21 and for audit purposes, the law enforcement agency by which the  
22 arresting officer is employed, and the trial officer for his records.  
23 If any of these entities does not have the capability to accept the  
24 ticket data solely using electronic means, the arresting agency must  
25 provide the entity with a printed copy of the ticket generated by the  
26 incar data terminal or hand held device. Data transmissions to the  
27 Department of Motor Vehicles must be made pursuant to that  
28 agency’s electronic system specifications. Printed copies provided  
29 to the Department of Motor Vehicles must meet that agency’s  
30 document processing requirements.”

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32 SECTION 2. Chapter 7, Title 56 of the 1976 Code is amended by  
33 adding:

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35 “Section 56735. (A) A law enforcement officer must stop the  
36 operator or owner of a motor vehicle or motorcycle, as defined in  
37 Section 56320, to issue the operator or owner a uniform traffic  
38 citation for violating a local ordinance or for a violation of traffic  
39 laws relating to speeding or disregarding traffic control devices.

40 (B) A copy of the citation must be handed directly to the  
41 offender by the law enforcement officer upon issuing the citation.

42 (C) A law enforcement agency may not utilize the United  
43 States mail, a parcel delivery service, electronic means, or

1 otherwise to send to the operator or owner of a motor vehicle or  
2 motorcycle, as defined in Section 56320, a uniform traffic citation  
3 alleging the violation of a local ordinance or the violation of traffic  
4 laws relating to speeding or disregarding traffic control devices.

5 (D) A uniform traffic citation alleging the violation of a local  
6 ordinance or the violation of traffic laws, relating to speeding or  
7 disregarding traffic control devices, may not be issued based in  
8 whole or in part upon photographic evidence, whether gathered in  
9 conjunction with radar speed detection devices and whether the  
10 camera or other electronic device capturing the photographic  
11 evidence was attended or unattended at the time it captured the  
12 photographic evidence.

13 (E) The provisions of this section do not apply to toll  
14 collection.

15 (F) For each violation of this section, the offending law  
16 enforcement agency must transmit five hundred dollars to the State  
17 Treasurer to be credited to the account of the South Carolina  
18 Highway Patrol Division of the Department of Public Safety.”

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20 SECTION 3. Section 565710 of the 1976 Code is amended to  
21 read:

22  
23 “Section 565710. (A) Subject to the limitations prescribed in  
24 Section 565930, the provisions of this chapter shall not be deemed  
25 to prevent local authorities with respect to streets and highways  
26 under their jurisdiction and within the reasonable exercise of the  
27 police power from:

28 (1) ~~Regulating~~ regulating the standing or parking of  
29 vehicles;

30 (2) ~~Regulating~~ regulating traffic by means of police officers  
31 or trafficcontrol signals;

32 (3) ~~Regulating~~ regulating or prohibiting processions or  
33 assemblages on the highways;

34 (4) ~~Designating~~ designating particular highways as oneway  
35 highways and requiring that all vehicles thereon be moved in one  
36 specific direction;

37 (5) ~~Regulating~~ regulating the speed of vehicles in public  
38 parks;

39 (6) ~~Designating~~ designating any highway as a through  
40 highway and requiring that all vehicles stop before entering or  
41 crossing it or designating any intersection as a stop intersection  
42 and requiring all vehicles to stop at one or more entrances at such  
43 intersection;

1 (7) ~~Restricting~~ restricting the use of highways as authorized  
2 in Sections 5654210 and 5654220;

3 (8) ~~Regulating~~ regulating the operation of bicycles and  
4 requiring the registration and licensing of them, including the  
5 requirement of a registration fee;

6 (9) ~~Regulating~~ regulating or prohibiting the turning of  
7 vehicles or specified types of vehicles at intersections;

8 (10) ~~Altering~~ altering the prima facie speed limits as  
9 authorized herein; or

10 (11) ~~Adopting~~ adopting such other traffic regulations as are  
11 specifically authorized by this chapter.

12 (B) Nothing in subsection (A) may be construed to permit a  
13 local authority to issue a uniform traffic citation for violating a  
14 local ordinance or for violating traffic laws relating to speeding or  
15 disregarding traffic control devices based in whole or in part upon  
16 photographic evidence whether gathered in conjunction with radar  
17 speed detection devices and whether the camera or other electronic  
18 device capturing the photographic evidence was attended or  
19 unattended at the time it captured the photographic evidence.”  
20

21 SECTION 4. Section 56570(E) of the 1976 Code, as amended by  
22 Act 250 of 2010, is further amended to read:

23  
24 “(E)(1) Citations for violating a local ordinance or for violating  
25 traffic laws relating to speeding or disregarding traffic control  
26 devices based solely in whole or in part on photographic evidence  
27 whether gathered in conjunction with radar speed detection devices  
28 and whether the camera or other electronic device capturing the  
29 photographic evidence was attended or unattended at the time it  
30 captured the photographic evidence, only may be issued for  
31 violations that occur while relief from regulations pursuant to 49  
32 C.F.R. 390.23 has been granted due to an emergency. A person  
33 who receives a citation for violating traffic laws relating to  
34 speeding or disregarding traffic control devices based solely in  
35 whole or in part on photographic evidence must be served in  
36 person with notice of the violation within one hour of the  
37 occurrence of the violation. The provisions of this subsection do  
38 not apply to toll collection enforcement.

39 (2) For each violation of this section, the offending law  
40 enforcement agency must transmit five hundred dollars to the State  
41 Treasurer to be credited to the account of the South Carolina  
42 Highway Patrol Division of the Department of Public Safety.”  
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1 SECTION 5. Any law enforcement agency that issued traffic  
2 citations for a violation of a local ordinance or for a violation of  
3 traffic laws relating to speeding or disregarding traffic control  
4 devices, prior to the effective date of this act, based in whole or in  
5 part on photographic evidence whether gathered in conjunction  
6 with radar speed detection devices and whether the camera and  
7 speed detection system was manned or unmanned, must:

8 (1) identify each person who has received a citation and  
9 provide the person with a complete refund of all fines and  
10 assessments levied pursuant to the citation;

11 (2) refund all court costs, attorney's fees, and reasonable  
12 expenses associated with defending the allegations raised in the  
13 citation; and

14 (3) transmit to the State Treasurer five hundred dollars for  
15 every citation issued to be credited to the account of the South  
16 Carolina Highway Patrol Division of the Department of Public  
17 Safety.

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19 SECTION 6. This act takes effect upon approval by the Governor.

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