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2021 REGULAR SESSION

Acts and Joint Resolutions

of the

GENERAL ASSEMBLY
OF THE STATE OF SOUTH CAROLINA

Numbers in parenthesis to left of act numbers (numbers in bold face) refer as follows: number with R before it refers to ratification number, number with S before it refers to bill number in Senate, and number with H before it refers to bill number in House of Representatives.

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ACTS

AND

JOINT RESOLUTIONS

OF THE

General Assembly

OF THE

State of South Carolina

HENRY D. MCMASTER, Governor; PAMELA S. EVETTE, Lieutenant Governor; HARVEY S. PEELER, JR., President of the Senate; JAMES H. LUCAS, Speaker of the House of Representatives; THOMAS E. POPE, Speaker Pro Tempore of the House of Representatives; JEFFREY S. GOSSETT, Clerk of the Senate; CHARLES F. REID, Clerk of the House of Representatives.

PART I

GENERAL AND PERMANENT LAWS

No. 1

(R2, S1)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN, TO PROHIBIT THE PERFORMANCE OF AN ABORTION IF A FETAL HEARTBEAT IS DETECTED, TO PROVIDE MEDICAL EMERGENCY AND OTHER EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO REQUIRE PHYSICIANS TO NOTIFY LAW ENFORCEMENT AFTER PERFORMING AN ABORTION IN CERTAIN CIRCUMSTANCES, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460, RELATING TO THE REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; TO AMEND SECTION 44-41-330, RELATING TO A PREGNANT WOMAN'S RIGHT TO KNOW CERTAIN PREGNANCY INFORMATION, SO AS TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT; AND TO AMEND SECTION 44-41-60, RELATING TO ABORTION REPORTING REQUIREMENTS, SO AS TO ADD REPORTING REQUIREMENTS.

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

Citation

SECTION 1. This act shall be known and may be cited as the "South Carolina Fetal Heartbeat and Protection from Abortion Act".

Findings

SECTION 2. The General Assembly hereby finds, according to contemporary medical research, all of the following:

(1) as many as thirty percent of natural pregnancies end in spontaneous miscarriage;

(2) fewer than five percent of all natural pregnancies end in spontaneous miscarriage after the detection of a fetal heartbeat;

(3) over ninety percent of in vitro pregnancies survive the first trimester if a fetal heartbeat is detected;

(4) nearly ninety percent of in vitro pregnancies do not survive the first trimester if a fetal heartbeat is not detected;

(5) a fetal heartbeat is a key medical predictor that an unborn human individual will reach live birth;

(6) a fetal heartbeat begins at a biologically identifiable moment in time, normally when the fetal heart is formed in the gestational sac;

(7) the State of South Carolina has legitimate interests from the outset of a pregnancy in protecting the health of the pregnant woman and the life of the unborn child who may be born; and

(8) in order to make an informed choice about whether to continue a pregnancy, a pregnant woman has a legitimate interest in knowing the likelihood of the human fetus surviving to full-term birth based upon the presence of a fetal heartbeat.

Fetal Heartbeat and Protection from Abortion Act

SECTION 3. Chapter 41, Title 44 of the 1976 Code is amended by adding:

"Article 6

Fetal Heartbeat and Protection from Abortion

Section 44-41-610. As used in this article:

(1) 'Conception' means fertilization.

(2) 'Contraceptive' means a drug, device, or chemical that prevents conception.

(3) 'Fetal heartbeat' means cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.

(4) 'Gestational age' means the age of an unborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.

(5) 'Gestational sac' means the structure that comprises the extraembryonic membranes that envelop the human fetus and that is typically visible by ultrasound after the fourth week of pregnancy.

(6) 'Human fetus' or 'unborn child' each means an individual organism of the species homo sapiens from fertilization until live birth.

(7) 'Intrauterine pregnancy' means a pregnancy in which a human fetus is attached to the placenta within the uterus of a pregnant woman.

(8) 'Medical emergency' means a condition that, by any reasonable medical judgment, so complicates the medical condition of a pregnant woman that it necessitates the immediate abortion of her pregnancy to avert her death without first determining whether there is a detectable fetal heartbeat or for which the delay necessary to determine whether there is a detectable fetal heartbeat will create serious risk of a substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. A condition must not be considered a medical emergency if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(9) 'Physician' means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(10) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) 'Spontaneous miscarriage' means the natural or accidental termination of a pregnancy and the expulsion of the human fetus, typically caused by genetic defects in the human fetus or physical abnormalities in the pregnant woman.

Section 44-41-620. (A) A court judgment or order suspending enforcement of any provision of this chapter is not to be regarded as tantamount to repeal of that provision.

(B) If the United States Supreme Court issues a decision overruling Roe v. Wade, 410 U.S. 113 (1973), any other court issues an order or judgment restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely or in part, or an amendment is ratified to the Constitution of the United States restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely

or in part, then the Attorney General may apply to the pertinent state or federal court for either or both of the following:

(1) a declaration that any one or more of the statutory provisions specified in subsection (A) are constitutional; or

(2) a judgment or order lifting an injunction against the enforcement of any one or more of the statutory provisions specified in subsection (A).

(C) If the Attorney General fails to apply for relief pursuant to subsection (B) within a thirty-day period after an event described in that subsection occurs, then any solicitor may apply to the appropriate state or federal court for such relief.

Section 44-41-630. An abortion provider who is to perform or induce an abortion, a certified technician, or another agent of the abortion provider who is competent in ultrasonography shall:

(1) perform an obstetric ultrasound on the pregnant woman, using whichever method the physician and pregnant woman agree is best under the circumstances;

(2) during the performance of the ultrasound, display the ultrasound images so that the pregnant woman may view the images; and

(3) record a written medical description of the ultrasound images of the unborn child's fetal heartbeat, if present and viewable.

Section 44-41-640. If a pregnancy is at least eight weeks after fertilization, then the abortion provider who is to perform or induce an abortion, or an agent of the abortion provider, shall tell the woman that it may be possible to make the embryonic or fetal heartbeat of the unborn child audible for the pregnant woman to hear and shall ask the woman if she would like to hear the heartbeat. If the woman would like to hear the heartbeat, then the abortion provider shall, using whichever method the physician and patient agree is best under the circumstances, make the fetal heartbeat of the unborn child audible for the pregnant woman to hear.

Section 44-41-650. (A) Except as provided in Section 44-41-660, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman before a physician determines in accordance with Section 44-41-630 whether the human fetus the pregnant woman is carrying has a detectable fetal heartbeat.

(B) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44-41-660. (A) Section 44-41-650 does not apply to a physician who performs or induces an abortion if the physician determines according to standard medical practice that a medical emergency exists that prevents compliance with the section.

(B) A physician who performs or induces an abortion on a pregnant woman based on the exception in subsection (A) shall make written notations in the pregnant woman's medical records of the following:

(1) the physician's belief that a medical emergency necessitating the abortion existed;

(2) the medical condition of the pregnant woman that assertedly prevented compliance with Section 44-41-650; and

(3) the medical rationale to support the physician's conclusion that the pregnant woman's medical condition necessitated the immediate abortion of her pregnancy to avert her death.

(C) For at least seven years from the date the notations are made, the physician shall maintain in his own records a copy of the notations.

Section 44-41-670. A physician is not in violation of Section 44-41-650 if the physician acts in accordance with Section 44-41-630 and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat.

Section 44-41-680. (A) Except as provided in subsection (B), no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the human fetus the pregnant woman is carrying and whose fetal heartbeat has been detected in accordance with Section 44-41-630.

(B) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after a fetal heartbeat has been detected in accordance with Section 44-41-630 only if:

(1) the pregnancy is the result of rape, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(2) the pregnancy is the result of incest, and the probable post-fertilization age of the fetus is fewer than twenty weeks;

(3) the physician is acting in accordance with Section 44-41-690; or

(4) there exists a fetal anomaly, as defined in Section 44-41-430.

(C) A physician who performs or induces an abortion on a pregnant woman based on the exception in either subsection (B)(1) or (2) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than

twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

(D) A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44-41-690. (A) Section 44-41-680 does not apply to a physician who performs a medical procedure that, by any reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(B) A physician who performs a medical procedure as described in subsection (A) shall declare, in a written document, that the medical procedure was necessary, by reasonable medical judgment, to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible physical impairment of a major bodily function of the pregnant woman. In the document, the physician shall specify the pregnant woman's medical condition that the medical procedure was asserted to address and the medical rationale for the physician's conclusion that the medical procedure was necessary to prevent the death of the pregnant woman or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman.

(C) A physician who performs a medical procedure as described in subsection (A) shall place the written document required by subsection (B) in the pregnant woman's medical records. For at least seven years from the date the document is created, the physician shall maintain a copy of the document in his own records.

Section 44-41-700. A physician is not in violation of Section 44-41-680 if the physician acts in accordance with Section 44-41-630

and the method used to test for the presence of a fetal heartbeat does not reveal a fetal heartbeat.

Section 44-41-710. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Section 44-41-720. Nothing in this article prohibits the sale, use, prescription, or administration of a drug, device, or chemical that is designed for contraceptive purposes.

Section 44-41-730. A pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

Section 44-41-740. (A) A woman who meets any one or more of the following criteria may file a civil action in a court of competent jurisdiction:

(1) a woman on whom an abortion was performed or induced in violation of this article; or

(2) a woman on whom an abortion was performed or induced who was not given the information provided in Section 44-41-330.

(B) A woman who prevails in an action filed pursuant to subsection (A) shall receive the following from the person who committed the act or acts described in subsection (A):

(1) damages in an amount equal to ten thousand dollars or an amount determined by the trier of fact after consideration of the evidence; and

(2) court costs and reasonable attorney's fees.

(C) If the defendant in an action filed pursuant to subsection (A) prevails and the court finds that the commencement of the action constitutes frivolous conduct and that the defendant was adversely affected by the frivolous conduct, then the court shall award reasonable attorney's fees to the defendant; provided, however, that a conclusion of frivolousness cannot rest upon the unconstitutionality of the provision that was allegedly violated."

Abortion reporting requirements, Pain-Capable Unborn Child Protection Act

SECTION 4. Section 44-41-460(A) of the 1976 Code is amended by adding appropriately numbered new items at the end to read:

"( ) The information related to fetal heartbeat testing required pursuant to Sections 44-41-630, 44-41-660, and 44-41-690, as applicable.

( ) Whether the reason for the abortion was to preserve the health of the pregnant woman and, if so, the medical condition that the abortion was asserted to address and the medical rationale for the conclusion that an abortion was necessary to address that condition. If the reason for the abortion was other than to preserve the health of the pregnant woman, then the report must specify that maternal health was not the purpose of the abortion. This information must also be placed in the pregnant woman's medical records and maintained for at least seven years thereafter."

Fetal heartbeat determination, Woman's Right to Know Act

SECTION 5. Section 44-41-330(A)(1) of the 1976 Code is amended to read:

"(1)(a) The woman must be informed by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by

the physician who is to perform the abortion of the probable gestational age of the embryo or fetus at the time the abortion is to be performed. If an ultrasound is performed, an abortion may not be performed sooner than sixty minutes following completion of the ultrasound. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the ultrasound image at her request during or after the ultrasound procedure.

(b) If the physician who intends to perform or induce an abortion on a pregnant woman has determined pursuant to Section 44-41-630 that the human fetus the pregnant woman is carrying has a detectable fetal heartbeat, then that physician shall inform the pregnant woman in writing that the human fetus the pregnant woman is carrying has a fetal heartbeat. The physician shall further inform the pregnant woman, to the best of the physician's knowledge, of the statistical probability, absent an induced abortion, of bringing the human fetus possessing a detectable fetal heartbeat to term based on the gestational age of the human fetus or, if the director of the department has specified statistical probability information, shall provide to the pregnant woman that information. The department may promulgate regulations that specify information regarding the statistical probability of bringing an unborn child possessing a detectable fetal heartbeat to term based on the gestational age of the unborn child. Any regulations must be based on available medical evidence."

Abortion reporting requirements

SECTION 6. Section 44-41-60 of the 1976 Code is amended to read:

"Section 44-41-60. Any abortion performed in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44-41-660, which exception the physician relied upon in performing or inducing the abortion."

Severability clause

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Savings clause

SECTION 8. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 18th day of February, 2021.

Approved the 18th day of February, 2021.

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No. 2

(R4, H3707)

A JOINT RESOLUTION TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS, AND TO FURTHER PROVIDE FOR THE RESPONSE TO THE COVID-19 VIRUS.

Whereas, the COVID-19 virus has caused untold damage on South Carolina's citizens and its economy, particularly in rural and underserved areas, and vaccinating South Carolinians is of the utmost importance to returning the State and its citizens to their everyday lives; and

Whereas, there are now multiple versions of a highly effective vaccine available to combat COVID-19; and

Whereas, the State must endeavor to assist with the development and success of the vaccine delivery infrastructure that will help South Carolina make full use of its federal allocation of vaccines and maximize the number of inoculations delivered. Now, therefore,

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

SECTION 1. (A) From the Contingency Reserve Fund, there is appropriated:

(1) $63,000,000 to the Department of Health and Environmental Control (DHEC); and

(2) $45,000,000 to the Medical University of South Carolina (MUSC).

(B) From the funds appropriated in this section, DHEC and MUSC shall, in consultation, cooperation, and collaboration with the South Carolina Hospital Association, the South Carolina Primary Care Association and any other Federally Qualified Health Centers, and other appropriate entities and associations: (1) expand statewide vaccination capacity; and (2) continue to administer the statewide COVID-19 testing plan. Such funds must be used in a manner that most effectively and efficiently uses the resources available for vaccinations from hospitals and other COVID-19 vaccination providers, enrolled and activated by DHEC, across the State. The use of these funds includes costs related to

COVID-19, but are not limited to, vaccination, continued testing and contact tracing, personal protective equipment and medical supplies, personnel costs, education and marketing campaigns, quarantine, transportation and storage, mobile health units including the purchase, upfitting, staffing, and operations thereof, general operations, technology, and staff support.

(C) The funds expended for statewide vaccinations must be used expeditiously to contract with entities set forth in this item that are administering COVID-19 vaccines to the public. Eligible costs include, but are not limited to, those vaccination costs associated with staffing, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer's administration fee.

(D) Additionally, from the funds appropriated in this section, DHEC, in coordination with MUSC, the South Carolina Hospital Association, the South Carolina Center for Rural and Primary Healthcare, and other relevant stakeholders, shall implement a plan to reach rural and underserved populations who are eligible to be vaccinated.

(E) The funds appropriated in this section may be utilized to support the monitoring of positive COVID-19 cases, which may include contact tracing. However, participation by individuals in the contact-tracing program shall be solely on a voluntary basis. The Department of Health and Environmental Control and any individual conducting contact-tracing collection are prohibited from using any applications created for such purpose on a cellular device. Any contact-tracing technologies utilized for data collection must be restricted for the collection of public health information only and must be carried and maintained in a decentralized manner. Access to any information collected will be used for public health information purposes only and will comply with all confidentiality requirements contained in the Health Insurance Portability and Accountability Act. Contact tracers must be properly trained and certified by the Department of Health and Environmental Control. The department shall conduct a public awareness campaign to explain the use of contact tracing and that individuals may decline to participate.

(F) An entity that is identified in SECTION 1(A) as a recipient of appropriations from the Contingency Reserve Fund shall not be eligible to receive additional funds pursuant to SECTION 2.

SECTION 2. (A) The Executive Budget Office shall establish the COVID-19 Vaccine Reserve account to be maintained by the Executive Budget Office and administered as set forth in this section.

(B) From the Contingency Reserve Fund, there is appropriated $100,000,000 to the COVID-19 Vaccine Reserve account. The Executive Budget Office only may release funds in the account upon receipt of a letter signed by the Director of DHEC. DHEC shall allocate funds to eligible COVID-19 vaccine providers in support of statewide vaccination efforts. DHEC shall reimburse eligible providers only after affirming the recipient is a COVID-19 vaccination provider enrolled and activated by DHEC, that DHEC has determined that the request will assist the State in its effort to achieve statewide vaccination, and that the enrolled and activated provider has the vaccine implementation capacity to justify the request.

(C)(1) From the funds appropriated in this section, the Executive Budget Office shall allocate up to $75,000,000 to hospitals, or a political subdivision of the State partnering with the same, to pay for the costs of administering the COVID-19 vaccine.

(2) From the funds appropriated in this section, the Executive Budget Office shall allocate up to $25,000,000 to other COVID-19 vaccination providers, or a political subdivision of the State partnering with the same, that are enrolled and activated by DHEC, to pay for the costs of administering the COVID-19 vaccine.

(3) For purposes of this section, eligible costs of administering the COVID-19 vaccine include, but are not limited to, those vaccination costs associated with staffing, facility rental, security, traffic control, storage, transportation, mobile health units including the purchase, upfitting, staffing, and operations thereof, and technology that have not been reimbursed by an insurer’s administration fee.

(D) In approving expenses, DHEC must give priority to hospitals and other COVID-19 vaccine providers that are enrolled and activated by DHEC that can prove or have proven a high demand for the vaccine and the ability to meet the demand.

(E) Notwithstanding any other provision of this section, the Director of DHEC may not authorize the Executive Budget Office to release any funds from the COVID-19 Vaccine Reserve account to any vaccine provider that is not offering vaccine appointments to the general public.

(F) On the first day of each month, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds appropriated pursuant to this section. The report shall be transmitted to the Governor, the General Assembly, and made available on the website of the Executive Budget Office. Additionally, any recipient must provide

an accounting of the expenditures to DHEC and DHEC must post the accounting on its website.

SECTION 3. (A) Where appropriate and feasible, hospitals, medical providers, and other stakeholders receiving distributions pursuant to this joint resolution also shall seek reimbursement from an individual's public or private health insurer.

(B) To maximize the benefit of all funds received by the State, DHEC and MUSC shall work with the Department of Administration to assure that available federal funds are utilized for the purposes of this joint resolution appropriately and minimize the use of state funds where possible.

(C) If hospitals, medical providers, and other stakeholders receive distributions pursuant to this joint resolution also receive reimbursements from insurers or federal funds for the same purposes, then the distributions pursuant to this joint resolution exceeding the actual costs of vaccine administration must be remitted back to the agency or fund that distributed the funds.

(D) The provisions of this joint resolution shall apply to the extent permitted by federal law.

SECTION 4. A. (A) Notwithstanding any professional scope of practice or unauthorized practice of law provision in this State, the following individuals have the authority to administer premeasured doses of the COVID-19 vaccine:

(1) unlicensed personnel with current certification by the certifying boards of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), National Association for Health Professionals (NAHP), the National Certification Medical Association (NCMA), National Healthcare Association (NHA), American Medical Technologists (AMT), or any other certifying body approved by the South Carolina Board of Medical Examiners, and documented training in intermuscular injections; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(2) students of an accredited medical school, physician assistant school or program, or a nursing school or program with appropriate instruction and documented training in intramuscular injections and who administer the vaccine at a site in which a Physician, Physician Assistant,

Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(3) Registered Nurses and Licensed Practical Nurses who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Nursing to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(4) Physicians and Physician Assistants who have retired, become inactive, or whose licenses have lapsed within the last five years, provided their licenses were in good standing at the time of retirement/inactivation/lapse; and who submit the appropriate documentation to the Board of Medical Examiners to confirm licensure within the last five years and that such license was in good standing at the time of retirement/inactivation/lapse; and who administer the vaccine at a site in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present;

(5) Dentists licensed in good standing by the South Carolina State Board of Dentistry who have successfully completed the following COVID-19 training programs available through the Centers for Disease Control and Prevention:

(a) "COVID-19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers";

(b) "What Every Clinician Should Know about COVID-19 Vaccines Safety";

(c) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and

(d) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include the office in which the Dentist typically practices dentistry,

in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present; and

(6) Optometrists licensed in good standing by the South Carolina Board of Examiners in Optometry who have successfully completed the following COVID-19 training programs available through the Centers for Disease Control and Prevention:

(a) "COVID-19 Vaccine Training; General Overview of Immunization Best Practices for Healthcare Providers";

(b) "What Every Clinician Should Know about COVID-19 Vaccines Safety";

(c) "What Clinicians Need to Know About the Pfizer-BioNTech and Moderna COVID-19 Vaccines"; and

(d) "Pfizer-BioNTech COVID-19 Vaccine: What Healthcare Professionals Need to Know"; and who administer the vaccine at a site dedicated to the administration of the COVID-19 vaccine, which does not include the office in which the Optometrist typically practices optometry, in which a Physician, Physician Assistant, Advanced Practice Registered Nurse, and/or a Registered Nurse licensed in good standing in South Carolina and capable of appropriate evaluation and response to medical emergencies, including resuscitation and treatment of anaphylaxis, is present.

(B) Notwithstanding any professional scope of practice or unauthorized practice provision in this State, South Carolina-licensed Advanced Practice Registered Nurses, Physician Assistants, and Registered Nurses in good standing may delegate COVID-19 vaccine dose administration to any individual authorized by South Carolina law to administer vaccines or identified in this section as authorized to administer COVID-19 vaccines.

B. This section terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID-19.

SECTION 5. A. (A) Beginning fourteen days after the effective date of this joint resolution, all first dose vaccines received by the State which have not already been set for distribution must be allocated to the four DHEC public health regions in a per-capita manner with considerations taken into account for factors including, but not limited to, poverty level, infection rates, age, and high-risk populations. From

the funds appropriated in this act or from other COVID-19-related appropriations, MUSC shall coordinate with DHEC and partner with local healthcare providers to ensure that gaps in statewide vaccination delivery are covered, with priority given to rural and underserved areas.

(B) DHEC shall allocate vaccines so that they are distributed in a manner that ensures that each of its four public health regions shall receive a per-capita allocation, as described in subsection (A). DHEC's allocations to specific vaccine providers must:

(1) take into consideration recommendations from affected stakeholders and vaccine providers within the region including, but not limited to, hospitals, primary care practices, pharmacies, rural health clinics, and the South Carolina Primary Care Association and any other federally qualified health centers; and

(2) be based upon the following priorities:

(a) rural and underserved communities must have equitable access to receiving the COVID-19 vaccine;

(b) available vaccines must be administered to South Carolinians as rapidly as possible, to ensure that no doses are permitted to expire and to position South Carolina favorably in the event that any future federal allocations to states may be based in part upon a state's ability to expeditiously administer the vaccine;

(c) which providers are best equipped to handle specific manufacturers' forms of the vaccine, such as those requiring ultra-cold storage; and

(d) the most current and comprehensive data available concerning how vaccines have already been administered within each region, including how the vaccination rate varies by geography, race, age, income, or other relevant factors.

(C) Notwithstanding any other provisions of this joint resolution, DHEC may retain up to five percent of each weekly dose allocation in inventory to maximize its ability to quickly and efficiently respond to changes in need throughout the week.

B. This SECTION terminates and is no longer effective when the Director of the Department of Health and Environmental Control determines that the demands for the vaccine no longer exceed the supply of the vaccine.

SECTION 6. A. (A) Beginning fourteen days after the effective date of this joint resolution, the Department of Health and Environmental Control shall provide a daily report, detailing:

(1) the total number of COVID-19 vaccine doses in inventory as of that day;

(2) the total number of COVID-19 vaccine doses received that day itemized by manufacturer;

(3) the total number of COVID-19 vaccine doses that the State is presently eligible to receive but has not yet drawn, itemized by manufacturer;

(4) the total number of COVID-19 vaccine doses in inventory as of that day that are intended to be administered as a first dose and the number that are intended to be administered as a second dose; and

(5) the total number of COVID-19 vaccine doses that are distributed or redistributed to each administering entity that day, itemized by manufacturer.

The daily report also shall provide a cumulative report detailing the same.

(B) DHEC also shall tabulate the reports required by subsection (C), and include in the daily report required by subsection (A), the cumulative total of vaccines administered. The cumulative totals of vaccines administered also must be shown, numerically and graphically, as a percentage of the State as a whole, and demonstrate how many more vaccines must be given until the next category of individuals are eligible for the vaccine. The cumulative totals of vaccines administered also must be shown, numerically and graphically, by the zip code of the patient.

(C) Each administering entity shall provide a daily report to the Department of Health and Environmental Control detailing:

(1) the total number of COVID-19 vaccine doses in inventory as of that day, itemized by manufacturer;

(2) the total number of COVID-19 vaccines administered that day;

(3) the total number of upcoming appointments for a COVID-19 vaccine scheduled as of that day; and

(4) the total number of COVID-19 vaccines administered that day as a first dose and the number administered that day as a second dose, if applicable.

The daily report also shall provide a cumulative report for the entity detailing the same.

An administering entity may satisfy the reporting requirements of this subsection, subject to DHEC approval, if it makes such information available through the Vaccine Administration Management System or another existing reporting mechanism approved by DHEC.

(D) Each administering entity also must establish a tracking process to ensure that individuals either receive their first and second dose from

the same entity or receive information necessary for obtaining their second dose from another entity.

(E) The reports required by this section must be posted daily on the department's website.

B. This SECTION terminates and is no longer effective when South Carolina is no longer under a declared public health emergency concerning COVID-19.

SECTION 7. This joint resolution takes effect upon approval by the Governor.

Ratified the 18th day of February, 2021.

Approved the 19th day of February, 2021.

No. 3

(R10, H3609)

A JOINT RESOLUTION TO RESTORE TEACHER STEP INCREASES THAT WERE SUSPENDED BY ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING FIFTY MILLION DOLLARS TO PROVIDE FOR TEACHER STEP INCREASES FOR THE 2020-2021 SCHOOL YEAR.

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

SECTION 1. (A) From the 2018-2019 Contingency Reserve Fund, and notwithstanding Act 135 of 2020, Part II, Section (4)(D), there is appropriated $50,000,000 to the Executive Budget Office to provide teacher step increases, including fringe, for the 2020-2021 School Year in accordance with Act 91 of 2019, Part 1.B. Proviso 1.A.36. The funds must be held in a separate account and disbursed to school districts in accordance with subsection (B). Any funds remaining in the account after June 30, 2021, must be remitted to the Contingency Reserve Fund.

(B)(1) The Department of Education shall distribute the funds to each school district in an amount, determined by the Revenue and Fiscal Affairs Office, equal to the increased cost of salaries to the school

district, including fringe, due to the step increase in the state minimum salary schedule.

(2) The Department of Education shall provide the Revenue and Fiscal Affairs Office the number of full-time equivalent state-funded positions that were eligible for the step increase pursuant to Section 59-20-50(4)(b) in School Years 2019-2020 and 2020-2021 that each district has in each cell of the state minimum teacher salary schedule. For School Year 2019-2020, the department shall provide the number of positions as of the end of the school year. For School Year 2020-2021, the department shall provide the number of positions as of March 1, 2021.

(3) The Revenue and Fiscal Affairs Office shall determine the actual increased cost of the step increase, including fringe, in the state minimum salary schedule by determining the increase in the amount of total salaries of such positions in School Year 2020-2021 when compared to School Year 2019-2020 due to the change in the salaries of eligible positions for the step increase that are in the same school district in School Year 2020-2021 as they were in School Year 2019-2020 due to moving up one year of experience on the state minimum salary schedule. The Revenue and Fiscal Affairs Office shall include in the cost of the step increase calculation position codes eligible for the step increase that have no experience rating or credentials associated with their respective position codes. The Revenue and Fiscal Affairs Office shall notify the Executive Budget Office and the Department of Education of its determination for each school district. Then, the Executive Budget Office shall distribute the cumulative amount to the Department of Education to be distributed to each school district that experienced an increase in the manner determined by the Revenue and Fiscal Affairs Office.

(C) For each position that is eligible for the step increase for the 2020-2021 School Year, each school district shall provide a one-time lump sum payment of the entire step increase due to the employee, including any amounts in arrears, by June 15, 2021, or the school district may utilize its current payroll system to pay the step increase as long as the first payment retroactively includes all previous payments that would have been due the eligible employee. A position is eligible for the step increase if that position was fulfilling the requirements of their School Year 2020-2021 contract as of March 1, 2021. In order for any amounts in arrears to be considered earnable compensation for the purposes of the South Carolina Retirement System, the amounts in arrears and the contributions thereon must be reported by allocating the amounts in arrears to the affected employees by quarter for the periods during which

the amounts would have been earned. The Department of Education, the Revenue and Fiscal Affairs Office, and the Public Employee Benefit Authority must collaborate so that retirement reporting for any amounts in arrears can be submitted in a consolidated, electronic format.

SECTION 2. Pursuant to the intent and appropriation set forth in SECTION 1, the provisions of Act 135 of 2020, Part II, Section (4)(D) relating to step increases, are deleted. The step increases required and authorized by SECTION 1 for the 2020-2021 School Year are permanent.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 11th day of March, 2021.

No. 4

(R5, S160)

AN ACT TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY EXEMPTIONS FROM SURPLUS GOVERNMENT PROPERTY DISPOSAL LAWS, SO AS TO CLARIFY AND REVISE THE SCOPE OF THE EXEMPTIONS, AND TO PROVIDE THE AUTHORITY SHALL FILE CERTAIN DOCUMENTS CONCERNING THE SALE OF EXEMPT REAL PROPERTY WITH THE DEPARTMENT OF ADMINISTRATION AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY.

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

Surplus property disposal law exemptions

SECTION 1. Section 59-53-1784(C) of the 1976 Code is amended to read:

"(C)(1) The authority is exempt from all regulations and general laws including, but not limited to, Sections 1-11-58 and 1-11-65, governing disposal of surplus government property, whether real, personal, or mixed.

(2) The exemption provided in item (1) includes an exemption for the sale of real property but only if the sale is for a price not less than a market value determined by an appraisal conforming to the Department of Administration's appraisal standards and the transfer of title is by quit claim deed. After the recording of the deed for the sold real property, the authority shall file with the Department of Administration and the State Fiscal Accountability Authority a copy of the recorded deed and a copy of the appraisal."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 5

(R6, S242)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "DRIVERS FOR A CURE" SPECIAL LICENSE PLATES.

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

'Drivers for a Cure' special license plates

SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

"Article 147

'Drivers For a Cure' Special License Plates

Section 56-3-14710. (A) The Department of Motor Vehicles may issue 'Drivers For a Cure' special license plates to owners of private passenger-carrying motor vehicles, as defined in Section 56-3-630, or motorcycles registered in their names. Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the special license plate is issued.

(B) This special license plate must be the same size and general design as regular motor vehicle license plates.

(C) The requirements for production, collection, and distribution of fees for the plate are those set forth in Section 56-3-8100. The biennial fee for each special license plate is thirty dollars plus the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56. Any portion of the thirty-dollar fee in excess of the costs of production and distribution of the license plates must be distributed evenly between the Medical University of South Carolina Hollings Cancer Center and the Duke Cancer Institute."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 6

(R7, S287)

AN ACT TO AMEND SECTION 40-45-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, AND SECTION 40-45-240, RELATING TO APPLICANTS FOR LICENSURE BY ENDORSEMENT FOR LICENSEES FROM OTHER JURISDICTIONS, BOTH SO AS TO REQUIRE CERTAIN FINGERPRINT-SUPPORTED STATE

AND NATIONAL CRIMINAL RECORDS CHECKS FOR INITIAL LICENSURE APPLICANTS, TO PROVIDE THE RESULTS OF THESE RECORDS CHECKS MUST BE PROVIDED TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO AUTHORIZE THE STATE LAW ENFORCEMENT DIVISION TO RETAIN FINGERPRINTS FOR CERTAIN PURPOSES, TO PROVIDE APPLICANTS MUST BARE RELATED COSTS, AND TO PROVIDE THE DEPARTMENT SHALL KEEP INFORMATION RECEIVED PURSUANT TO THIS ACT CONFIDENTIAL, SUBJECT TO AN EXCEPTION.

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

Licensure requirements, background checks added

SECTION 1. Section 40-45-220 of the 1976 Code is amended to read:

"Section 40-45-220. (A)(1) To be eligible for licensure as a physical therapist an applicant must:

(a)(i) be a graduate of a physical therapy educational program approved by the board;

(ii) pass an examination administered or approved by the board; and

(iii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board; or

(b)(i) provide satisfactory evidence that his or her education is equivalent to the requirements of physical therapists educated in United States educational programs as determined by the board. If the board determines that an applicant's education is not equivalent, it may require completion of additional course work before proceeding with the application process;

(ii) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board;

(iii) pass an examination administered or approved by the board;

(iv) submit evidence satisfactory to the board on a form approved by the board of not less than one thousand clinical practice hours under the on-site supervision of a licensed physical therapist in

this State or in a state with licensure requirements equal to or more stringent than this State.

(2) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for initial licensure as a physical therapist, the department may require a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department.

(B)(1) To be eligible for licensure as a physical therapist assistant an applicant must:

(a) be a graduate of a physical therapist assistant program approved by the board;

(b) pass an examination administered or approved by the board; and

(c) speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board.

(2) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for initial licensure as a physical therapist assistant, the department may require a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the

administrative action. The results of these criminal records checks must not be shared outside the department.

(C) The burden is upon the applicant to demonstrate to the satisfaction of the board and in the manner prescribed by the board that the applicant has the qualifications and is eligible for licensure."

Licensure by endorsement requirements, background checks added

SECTION 2. Section 40-45-240(B) of the 1976 Code is amended by adding an item at the end to read:

"( ) when applying for initial licensure, submit to a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of these criminal records checks must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of these criminal records checks must not be shared outside the department."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 7

(R11, H3691)

AN ACT TO ADOPT REVISED CODE VOLUMES 1A AND 14A OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO

THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2021.

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

Revised Code volumes, authorization

SECTION 1. (A) Section 2-13-90 of the 1976 Code authorizes the Legislative Council and the Code Commissioner to contract to be prepared and published under their supervision and direction revised volumes of the Code of Laws.

(B) The Legislative Council and the Code Commissioner have determined that Volumes 1A and 14A are appropriate for revision.

(C) Section 2-13-90 of the 1976 Code also provides that the revised volumes must be submitted to the General Assembly for its consideration.

Revised Code volumes, adopted

SECTION 2. (A) Revised Volume 1A containing Titles 3 and 4, Code of Laws of South Carolina, 1976, is substituted for original Volume 1A which contained Titles 3 and 4.

(B) Revised Volume 14A containing Title 41, Code of Laws of South Carolina, 1976, is substituted for original Volume 14A which contained Title 41.

(C) Revised Volumes 1A and 14A are adopted as part of the Code of Laws and, to the extent of their contents, are the only general permanent statutory law of the State as of January 1, 2021.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 15th day of March, 2021.

No. 8

(R9, H3608)

A JOINT RESOLUTION TO ADDRESS A FUNDING SHORTFALL FOR THE PUBLIC CHARTER SCHOOL DISTRICT AS A RESULT OF THE GENERAL ASSEMBLY ENACTING ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING NINE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO THE PUBLIC CHARTER SCHOOL DISTRICT, INCLUDING THE CHARTER INSTITUTE AT ERSKINE, FOR PER PUPIL FUNDING FOR THE 2020-2021 SCHOOL YEAR.

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

SECTION 1. From the 2018-2019 Contingency Reserve Fund, there is appropriated $9,000,000 to the Department of Education for distribution to the Public Charter School District, including the Charter Institute at Erskine, for per pupil funding in accordance with Act 91 of 2019, Part 1.B. Proviso 1.A.50. This funding shall not be used for administrative salary increases.

SECTION 2. Notwithstanding Section 59-40-55 of the 1976 Code, in the current fiscal year, a charter school sponsor may, but is not required to, approve charter applications that meet the requirements specified in Sections 59-40-50 and 59-40-60.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 11th day of March, 2021.

Approved the 16th day of March, 2021.

No. 9

(R14, H3059)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ARTICLE 3 OF CHAPTER 17, TITLE 51 RELATING TO THE HERITAGE TRUST REVENUE BONDS.

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

Heritage Trust Revenue Bonds, article repealed

SECTION 1. Article 3, Chapter 17, Title 51 of the 1976 Code is repealed.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 10

(R16, H3264)

AN ACT TO AMEND SECTION 7-9-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICES OF COUNTY CONVENTIONS, SO AS TO ELIMINATE THE REQUIREMENT THAT A COUNTY COMMITTEE PUBLISH CERTAIN NOTICES REGARDING COUNTY CONVENTIONS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE COUNTY.

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

County conventions, time

SECTION 1. Section 7-9-70 of the 1976 Code is amended to read:

"Section 7-9-70. A county convention must be held during a twelve-month period ending March thirty-first of each general election year during a month determined by the state committee as provided in Section 7-9-100. The county committee shall set the date, time, and location during the month designated by the state committee for the county convention to be held. The date set by the county committee for the county convention must be at least two weeks before the state convention. When a month in a nongeneral election year is chosen for the county convention, it must be held for the purpose of reorganization only. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by county committee."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 11

(R17, H3501)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 148 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE TWO HUNDRED FIFTY YEAR ANNIVERSARY REVOLUTIONARY WAR COMMEMORATIVE SPECIAL LICENSE PLATES.

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

Special license plates

SECTION 1. Chapter 3, Title 56 of the 1976 Code is amended by adding:

"Article 148

Two Hundred Fifty Year Anniversary Revolutionary War Commemorative Special License Plates

Section 56-3-14810. (A) The Department of Motor Vehicles may issue special commemorative motor vehicle license plates commemorating the two hundred fiftieth anniversary of the American Revolution to owners of private passenger carrying motor vehicles or motorcycles registered in their names. The biennial fee for this commemorative license plate is the same as the fee provided in Article 5, Chapter 3 of this title.

(B) The South Carolina Revolutionary War Sestercentennial Commission shall submit to the department for approval the design, emblem, seal, logo, or other symbols it desires to be used for this special license plate.

(C) This special license plate is exempt from the provisions contained in Section 56-3-8100.

(D) The production of this special license plate will cease January 1, 2033."

Time effective

SECTION 2. This act takes effect January 1, 2022.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 12

(R18, H3549)

AN ACT TO AMEND SECTION 50-9-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HUNTING AND FISHING LICENSES, SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO OFFER A

LICENSE, PERMIT, OR TAG MADE OF A DURABLE MATERIAL AND TO ESTABLISH A FEE; AND TO AMEND SECTION 50-9-50, RELATING TO THE POSSESSION OF A HUNTING OR FISHING LICENSE, PERMIT, OR STAMP, SO AS TO ALLOW FOR A PERSON HUNTING OR FISHING TO DISPLAY THEIR LICENSE, PERMIT, OR STAMP ELECTRONICALLY.

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

Hunting and fishing licenses, durable material

SECTION 1. Section 50-9-40 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

"( ) The department may offer to fulfill any privilege for applicants on a card made of durable materials such as plastic or a similar product. The fee is six dollars of which the issuing vendor may retain one dollar."

Electronic proof of license, permit, or stamp

SECTION 2. Section 50-9-50 of the 1976 Code is amended to read:

"Section 50-9-50. (A) Licenses, permits, tags, and stamps issued pursuant to this title must be carried on the person while exercising the privileges of the license, permit, tag, or stamp, and the person shall produce the license, permit, tag, or stamp to a law enforcement officer upon demand.

(B) A person exercising the privileges of a license, permit, or stamp may provide proof of the license, permit, or stamp to a law enforcement officer upon demand by use of a mobile electronic device in a format prescribed by the department. A person carrying a mobile electronic device with access to electronic proof of a license, permit, or stamp is deemed to be carrying the license, permit, or stamp on his person.

(C) A person who has been issued a license, permit, tag, or stamp but who fails to keep it in possession or provide electronic proof of the license, permit, or stamp while exercising the privileges granted under it is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days."

Time effective

SECTION 3. This act takes effect July 1, 2021.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 13

(R19, H3585)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-80 SO AS TO PROVIDE THE PROCEDURE FOR AN INSURER TO CANCEL, NONRENEW, OR TERMINATE ALL OR SUBSTANTIALLY ALL OF AN ENTIRE LINE OR CLASS OF BUSINESS; BY ADDING SECTION 38-77-400 SO AS TO REQUIRE AN INSURER TO PROVIDE A LISTING OF UNDERWRITING RESTRICTIONS UPON THE REQUEST OF THE DIRECTOR; TO AMEND SECTION 38-13-30, RELATING TO ORDERS RESULTING FROM EXAMINATIONS, SO AS TO ALLOW THE DIRECTOR OR HIS DESIGNEE TO SERVE AN ORDER UPON THE INSURER BY ELECTRONIC MAIL; TO AMEND SECTION 38-53-110, RELATING TO FINANCIAL STATEMENT REQUIREMENTS, SO AS TO PROVIDE A DEADLINE FOR SUBMISSION; TO AMEND SECTION 38-71-340, RELATING TO REQUIRED POLICY PROVISIONS, SO AS TO ADD A TIME OF PAYMENT OF CLAIMS REQUIREMENT FOR HEALTH INSURANCE COVERAGE; TO AMEND SECTION 38-75-730, AS AMENDED, RELATING TO RESTRICTIONS ON THE CANCELLATION OF POLICIES, SO AS TO DISTINGUISH THE CANCELLATION PROVISIONS FOR WORKERS' COMPENSATION INSURANCE POLICIES; TO AMEND SECTION 38-75-740, RELATING TO RESTRICTIONS ON THE NONRENEWAL OF POLICIES, SO AS TO REMOVE SPECIFIC DEADLINES; TO AMEND SECTION 38-75-1160, RELATING TO THE NOTICE REQUIREMENT PRIOR TO CANCELLATION OR REFUSAL TO RENEW, SO AS TO REMOVE SPECIFIC DEADLINES; AND TO AMEND SECTION 38-75-1240,

RELATING TO THE PROVISIONS TO THE DIRECTOR OF UNDERWRITING RESTRICTIONS BASED UPON GEOGRAPHY, SO AS TO REQUIRE AN INSURER TO PROVIDE A LIST OF UNDERWRITING RESTRICTIONS ONLY UPON THE REQUEST OF THE DIRECTOR REGARDLESS OF GEOGRAPHY.

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

Withdrawing from the market

SECTION 1. Chapter 61, Title 38 of the 1976 Code is amended by adding:

"Section 38-61-80. (A) An insurer must not cancel, nonrenew, or otherwise terminate all or substantially all of an entire line or class of business for the purpose of withdrawing from the market in this State unless:

(1) the insurer notified the director, in writing, of the action, including the reasons for such action, and plans for the orderly cessation of business at least one year before the completion of the withdrawal. This item must not be construed to prevent an insurer from canceling, nonrenewing, or terminating policies in the ordinary course of business that are not part of a plan to withdraw from an entire line or class of business or where the insurer, by contract, statute, or otherwise, has the right to take such action; or

(2) the insurer filed a plan of action for the orderly cessation of the insurer's business within a period of time shorter than one year and the plan of action is approved by the director or his designee.

(B) An insurer's rates, rules, and forms filed with the department are considered no longer on file for use with any new business in the market affected by the insurer's withdrawal plan on and after the date the withdrawal plan goes into effect.

(C) This section does not apply to health insurance issuers offering health insurance coverage as defined in Article 3 or Article 5, Chapter 71, Title 38. Health insurance issuers must comply with other applicable provisions of Chapter 71, Title 38 regarding the discontinuance of all or a significant block of business or withdrawal from the market in this State."

Underwriting restrictions, at the request of the director

SECTION 2. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

"Section 38-77-400. Upon request of the director, an insurer must provide a listing of underwriting restrictions. These restrictions do not require approval of the director or his designee and are not public information."

Review and order of director

SECTION 3. Section 38-13-30(D)(1) of the 1976 Code is amended to read:

"(1) Orders entered pursuant to subsection (C)(1) must be accompanied by findings and conclusions resulting from the director's or his designee's consideration and review of the examination report, relevant examiner work papers, and written submissions or rebuttals. The order must be considered a final administrative decision and may be appealed to the Administrative Law Court as provided by law. The order may be served upon the insurer by certified mail or electronic mail, with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the insurer shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders."

Financial statement required

SECTION 4. Section 38-53-110 of the 1976 Code is amended to read:

"Section 38-53-110. In addition to the other requirements of this chapter, every year, by March first, an applicant for a professional bondsman's license shall furnish a detailed financial statement under oath and in a form as the director or his designee may require. The statement is subject to the same examination as is prescribed by law for domestic insurance companies."

Required provisions

SECTION 5. Section 38-71-340(8) of the 1976 Code is amended to read:

"(8) A provision as follows:

TIME OF PAYMENT OF CLAIMS:

After receiving written proof of loss, the Company will pay _ [insert period for payment which may not be less frequently than monthly] all benefits then due for _ [insert applicable term for type of benefits].

Notwithstanding the above, the time of payment of claims provision in health insurance coverage as defined in Section 38-71-670(6) must read as follows:

TIME OF PAYMENT OF CLAIMS:

After receiving written proof of loss, the Company will pay _ [insert period for payment which may not be less prompt than those set forth in Section 38-59-230] all benefits then due for _ [insert applicable term for type of benefits]."

Restrictions on cancellation of policies and renewals

SECTION 6. Section 38-75-730 of the 1976 Code, as amended by Act 6 of 2019, is further amended to read:

"Section 38-75-730. (a) No insurance policy or renewal thereof may be canceled by the insurer prior to the expiration of the term stated in the policy, except for one of the following reasons:

(1) nonpayment of premium;

(2) material misrepresentation of fact which, if known to the company, would have caused the company not to issue the policy;

(3) substantial change in the risk assumed, except to the extent that the insurer had notice of the risk or should reasonably have foreseen the change or contemplated the risk in writing the policy;

(4) substantial breaches of contractual duties, conditions, or warranties;

(5) loss of the insurer's reinsurance covering all or a significant portion of the particular policy insured, or where continuation of the policy would imperil the insurer's solvency or place that insurer in violation of the insurance laws of this State. Prior to cancellation for reasons permitted in this item, the insurer shall notify the director or his designee, in writing, at least sixty days prior to such cancellation and the director or his designee shall, within thirty days of such notification, approve or disapprove such action.

(b) Cancellation under subsection (a)(1) of this section is not effective unless written notice of cancellation has been delivered or mailed to the insured and the agent of record, if any, not less than ten days prior to the proposed effective date of cancellation. Cancellation under subsection (a)(2) through (5) is not effective unless written notice

of cancellation has been delivered or mailed to the insured and the agent of record, if any, not less than thirty days prior to the proposed effective date of cancellation. The notice must be given or mailed to the insured and the agent at their addresses shown in the policy or, if not reflected therein, at their last known addresses. Any notice of cancellation shall state the precise reason for cancellation. Proof of mailing is sufficient proof of notice.

(c) Subsections (a) and (b) do not apply to any insurance policy which has been in effect for less than one hundred twenty days and is not a renewal of a previously existing policy. The policy may be canceled for any reason by furnishing to the insured at least thirty days' written notice of cancellation, except where the reason for cancellation is nonpayment of premium, in which case not less than ten days' written notice must be furnished. Insurers may not cancel a policy outside of the one hundred twenty-day period if they had notice of the change in risk prior to the expiration of the one hundred twenty-day underwriting period.

(d) For purposes of subsection (a)(3), substantial change in the risk assumed, if based upon changes in climatic conditions, must be based on statistical data relative to South Carolina that has been approved by the director or his designee as a basis for substantial change in the risk assumed.

(e) Cancellation of a workers' compensation insurance policy under this section is not effective unless written notice of cancellation is delivered or mailed to the South Carolina Workers' Compensation Commission, and to the insured, not less than the time frame required for notice to the insured under this section."

Restrictions on nonrenewal of policies

SECTION 7. Section 38-75-740 of the 1976 Code is amended to read:

"Section 38-75-740. (a) No insurance policy may be nonrenewed by an insurer except in accordance with the provisions of this section or Section 38-75-730, and any nonrenewal attempted which is not in compliance with this section or Section 38-75-730 is ineffective.

(b) A policy written for a term of one year or less may be nonrenewed by the insurer at its expiration date by giving or mailing written notice of nonrenewal to the insured and the agent of record, if any, not less than sixty days prior to the expiration date of the policy.

(c) Subject to subsection (c) of Section 38-75-760, a policy written for a term of more than one year or for an indefinite term may be

nonrenewed by the insurer at its anniversary date by giving or mailing written notice of nonrenewal to the insured and the agent of record, if any, not less than sixty days prior to the anniversary date of the policy.

(d) The notice required by this section must be given or mailed to the insured and the agent at their addresses shown in the policy or, if not reflected therein, at their last known addresses. Proof of mailing is sufficient proof of notice.

(e) Any notice of nonrenewal shall state the precise reason for nonrenewal."

Notice requirement prior to cancellation or refusal to renew, exceptions

SECTION 8. Section 38-75-1160(A) of the 1976 Code is amended to read:

"(A)(1) Except for a cancellation pursuant to Section 38-75-730, a cancellation or refusal to renew by an insurer of a policy of insurance covered in this article is not effective unless the insurer delivers or mails to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew. This notice must:

(a) be approved as to form by the director or his designee before use;

(b) state the date not less than sixty days for any cancellation or refusal to renew after the date of the mailing or delivering on which the cancellation or refusal to renew becomes effective;

(c) state the specific reason of the insurer for cancellation or refusal to renew and provide for the notification required by Section 38-75-1180(B);

(d) inform the insured of his right to request in writing within thirty days of the receipt of notice that the director review the action of the insurer. The notice of cancellation or refusal to renew must contain the following statement in bold print to inform the insured of this right:

'IMPORTANT NOTICE: Within thirty days of receiving this notice, you or your attorney may request in writing that the director review this action to determine whether the insurer has complied with South Carolina laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or nonrenewal laws, the director may require that your policy be reinstated. However, the director is prohibited from making underwriting judgments. If this insurer has complied with the cancellation or nonrenewal laws, the director does not have the authority to overturn this action.'

(e) inform the insured of the possible availability of other insurance which may be obtained through his agent, or through another insurer; and

(f) state that the Department of Insurance has available a buyer's guide regarding property insurance shopping and availability, and provide applicable mailing addresses and telephone numbers, including a toll-free number, if available, for contacting the Department of Insurance.

(2) Nothing in this subsection prohibits any insurer or agent from including in the notice of cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or any additional information relating to the availability of other insurance."

Provision to director of underwriting restrictions

SECTION 9. Section 38-75-1240 of the 1976 Code is amended to read:

"Section 38-75-1240. An insurer shall provide upon the request of the director a listing of underwriting restrictions. These restrictions do not require approval of the director or his designee and are not public information."

Time effective

SECTION 10. This act takes effect upon approval of the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 14

(R20, H3587)

AN ACT TO AMEND SECTION 38-77-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "REDUCTION IN COVERAGE", SO AS TO PROHIBIT AN INSURER FROM TREATING A CORRECTION OF A TYPOGRAPHICAL OR SCRIVENER'S ERROR AS A REDUCTION IN COVERAGE; AND TO AMEND SECTION

38-77-120, RELATING TO NOTICE REQUIREMENTS FOR CANCELLATION OR THE REFUSAL TO REVIEW A POLICY, SO AS TO MAKE CONFORMING CHANGES.

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

Definitions

SECTION 1. Section 38-77-30(12.5) of the 1976 Code, as last amended by Act 174 of 2020, is further amended to read:

"(12.5) 'Reduction in coverage' means a change made by the insurer which results in a removal of coverage, diminution in scope or less coverage, or the addition of an exclusion. Reduction in coverage does not include any change, reduction, or elimination of coverage made at the request of the insured. The correction of a typographical or scrivener's error or the application of mandated legislative changes is not a reduction in coverage."

Requirements for notice of cancellation or refusal to renew policy

SECTION 2. Section 38-77-120(b) of the 1976 Code, as last amended by Act 174 of 2020, is further amended to read:

"(b) Subsection (a) does not apply if the:

(1) insurer has manifested to the insured its willingness to renew or to renew with a reduction in coverage by actually issuing or offering to the insured to issue a renewal policy, certificate, or other evidence of renewal, or has manifested such intention to the insured by any other means; provided, however, that in the case of a reduction in coverage, the insurer provides notice of a reduction in coverage to the named insured in a separate document entitled the 'Notice of Reduction in Coverage' no less than fifteen days prior to the effective date of the renewal that includes the proposed reduction in coverage. This notice must:

(i) inform the insured of the reduction or elimination by the coverage section in the renewal policy or certificate; and

(ii) provide that it is a notice of coverage changes.

The Notice of Reduction in Coverage does not amend, extend, or alter coverage provided in a policy. An insurer's Notice of Reduction in Coverage must be provided to the director or his designee upon request when investigating a consumer complaint or when otherwise requested.

The director or his designee may direct the insurer to provide the renewal without the reduction in coverage if the insurer fails to meet the requirements of this section. The director or his designee may issue guidance to an insurer or to the industry regarding the form and contents of the Notice of Reduction in Coverage in response to consumer inquiries or complaints;

(2) named insured has demonstrated by some overt action to the insurer or its agent that he expressly intends that the policy be canceled or that it not be renewed."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 15

(R21, H3684)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1713 SO AS TO PROVIDE LIMITS FOR COBIA CAUGHT IN THE WATERS OF THIS STATE AND PROHIBIT THE TAKING OR POSSESSION OF COBIA WHEN FEDERAL REGULATIONS PROVIDE FOR THE CLOSURE OF A RECREATIONAL OR COMMERCIAL COBIA FISHERY IN THE WATERS OF THE SOUTH ATLANTIC OCEAN; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO THE APPLICATION OF FEDERAL FISHING REGULATIONS IN THE WATERS OF THIS STATE, SO AS TO REMOVE THE EXCEPTION FOR COBIA.

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

Cobia limits established

SECTION 1. Article 17, Chapter 5, Title 50 of the 1976 Code is amended by adding:

"Section 50-5-1713. (A) The following limits to cobia (Rachycentron canadum) are:

(1) one per person per day and no more than three per boat per day taken or possessed recreationally within the Southern Cobia Management Zone from June first to April thirtieth subject to a minimum size requirement of thirty-six inches in fork length. It is unlawful to take or possess cobia in the Southern Cobia Management Zone from May first to May thirty-first;

(2) one per person per day and no more than six per boat per day taken or possessed recreationally in the waters of this State outside of the Southern Cobia Management Zone subject to a minimum size requirement of thirty-six inches in fork length;

(3) two per licensed commercial fisherman per day and no more than six per boat per day taken or possessed commercially subject to a minimum size requirement of thirty-three inches in fork length.

(B) It is unlawful to sell cobia taken from the waters of this State. All cobia taken commercially from waters outside of this State must be sold to a licensed wholesale dealer who also is a federally permitted dealer.

(C) It is unlawful to take or possess cobia when federal regulations provide for the closure of the recreational or commercial cobia fishery in the waters of the South Atlantic Ocean."

Cobia exception removed

SECTION 2. Section 50-5-2730(B) of the 1976 Code, as last amended by Act 210 of 2018, is further amended to read:

"(B) This provision does not apply to black sea bass (Centropristis striata) whose lawful catch limit is five fish per person per day or the same as the federal limit for black sea bass, whichever is higher. The lawful minimum size is thirteen inches total length. Additionally, there is no closed season on the catching of black sea bass (Centropristis striata)."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 8th day of April, 2021.

Approved the 12th day of April, 2021.

No. 16

(R25, H3548)

AN ACT TO AMEND SECTION 50-13-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF NONGAME DEVICES, SO AS TO DELETE THE PROHIBITION ON THE POSSESSION OF A GAME FISH DEVICE WHILE POSSESSING OR USING A NONGAME DEVICE.

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

Nongame Device, game fish device prohibition removed

SECTION 1. Section 50-13-670 of the 1976 Code is amended to read:

"Section 50-13-670. It is unlawful for a person to have in possession game fish, except live bream on those water bodies where permitted as live bait, while possessing or using nongame devices. The provisions of this section do not apply to a person using a cast net."

Time effective

SECTION 2. This act takes effect on July 1, 2021.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 17

(R26, H3770)

A JOINT RESOLUTION TO AUTHORIZE THE USE OF FEDERAL FUNDS DISBURSED TO THE STATE PURSUANT TO THE FEDERAL "CONSOLIDATED APPROPRIATIONS

ACT, 2021" FOR THE EMERGENCY RENTAL ASSISTANCE PROGRAM; TO CREATE THE SOUTH CAROLINA EMERGENCY RENTAL ASSISTANCE PROGRAM AND TO PROVIDE THE MANNER IN WHICH THE FUNDS MUST BE DISTRIBUTED; TO PROVIDE THAT CERTAIN COLLEGES AND UNIVERSITIES MAY CONTRACT WITH PRIVATE PARTIES TO PROVIDE SERVICES RELATED TO CERTAIN FEDERAL EMPLOYMENT TAX CREDITS; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCING AND DEVELOPMENT AUTHORITY SHALL TAKE CERTAIN ACTIONS TO ENSURE THAT ELIGIBLE HOUSEHOLDS AND LANDLORDS ARE AWARE OF THE PROGRAM.

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

Authorization to expend funds

SECTION 1. (A) The federal funds disbursed to the State pursuant to the federal "Consolidated Appropriations Act, 2021" for the Emergency Rental Assistance Program, are hereby authorized to be expended as set forth in this Joint Resolution.

(B) In accordance with the provisions of the Consolidated Appropriations Act, 2021, applications for funding can be made by a utility, landlord, or tenant on behalf of the eligible household.

South Carolina Emergency Rental Assistance Program

SECTION 2. (A)(1) There is created the South Carolina Emergency Rental Assistance Program (program) administered by the South Carolina State Housing Financing and Development Authority (SC Housing), under the direction of its board of commissioners, with the funds appropriated in SECTION 1, to assist eligible households that are unable to pay rent, utilities, and other expenses incurred related to housing due to the COVID-19 pandemic, as defined by the Secretary of the Treasury.

(2) SC Housing shall obligate all the funds authorized in SECTION 1 for the program by September 30, 2021.

(B) SC Housing shall secure professional grant management services to assist with disbursing the federal funds authorized in SECTION 1 in an expeditious manner. SC Housing shall use the contract awarded pursuant to the procurement process established by Section 2(A) of Act

135 of 2020, for professional grant management services that provided for services including, but not limited to, understanding the requirements and funding streams related to federal COVID-19 relief funds; creating a framework for distribution management from application for funds to disbursement of funds to include the development of processes and controls, data collection, evaluation of requests, and reporting; and creating a system of monitoring for compliance and detecting possible fraud, waste, and abuse.

(C)(1) An "eligible household" means a renter household in which at least one individual:

(a) qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;

(b) demonstrates a risk of experiencing homelessness or housing instability; and

(c) has a household income at or below eighty percent of the area median.

(2) Rental assistance provided to an eligible household should not be duplicative of any other federally funded rental assistance provided to such household.

(3) Eligible households that include an individual who has been unemployed for the ninety days or more before applying for assistance and households with income at or below fifty percent of the area median are to be prioritized for assistance.

(4) Household income is determined as either the household's total income for calendar year 2020 or the household's monthly income at the time of application. For household incomes determined using the latter method, income eligibility must be redetermined every three months.

(5) If the eligibility requirements of the federal Emergency Rental Assistance Program are amended, the eligibility requirements contained in this subsection are amended to conform to the federal amendments.

(D) SC Housing may not award funds to residents of Anderson, Berkeley, Charleston, Greenville, Horry, Richland, or Spartanburg counties unless there are additional funds remaining after obligating funds to all other eligible residents in the State.

(E)(1) There is created the South Carolina Emergency Rental Assistance Program Advisory Panel. The panel consists of:

(a) the Director of the Department of Administration, or his designee;

(b) the Director of the Office of Regulatory Staff, or his designee;

(c) one representative recommended by the Association of Counties appointed by the Board of Directors of SC Housing;

(d) one representative from the Affordable Housing Coalition of South Carolina appointed by the Board of Directors of SC Housing;

(e) one representative from the South Carolina Association for Community Economic Development appointed by the Board of Directors of SC Housing; and

(f) one representative from a utility provider appointed by the Public Service Commission.

(2) The panel shall review and monitor the implementation and evaluation of the program and funding.

Federal employment tax credits

SECTION 3. Colleges, universities, and entities that provide medical and hospital care, whose employees are employees of the State of South Carolina or any political subdivision thereof, are authorized to contract directly with private parties to provide services related to federal employment tax credits pursuant to the Federal CARES Act of 2020 as extended to such state employees under Section 207 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020.

Notice of eligibility

SECTION 4. SC Housing must take action, to include working with the judicial department, to ensure that eligible households and landlords are aware of the program and that program information is distributed in rental deferrals and evictions cases.

Time effective

SECTION 5. This joint resolution takes effect upon approval by the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

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No. 18

(R27, H3726)

AN ACT TO AMEND SECTION 12-36-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "GROSS PROCEEDS OF SALES", SO AS TO EXCLUDE AMOUNTS RECEIVED FROM A BUYDOWN.

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

Gross proceeds of sales

SECTION 1. Section 12-36-90(2) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

"( ) amounts received from a buydown. For purposes of this subitem, 'buydown' means an agreement between a retailer and a manufacturer or wholesaler in which the retailer receives a payment from the manufacturer or wholesaler that requires the retailer to reduce the sales price of the manufacturer's or wholesaler's product to the retail purchaser. This subitem does not apply to amounts received by a retailer from a retail sales transaction in which a retail purchaser uses a manufacturer's or wholesaler's coupon."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 15th day of April, 2021.

Approved the 16th day of April, 2021.

No. 19

(R31, S454)

AN ACT TO AMEND SECTION 40-33-43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS

IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO EXTEND THESE PROVISIONS TO CORRECTIONAL FACILITIES.

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

Unauthorized persons may administer

SECTION 1. Section 40-33-43 of the 1976 Code is amended to read:

"Section 40-33-43. In community residential care facilities and correctional facilities, the provision of medications may be performed by selected unlicensed persons with documented medication training and skill competency evaluation. The provision of medications by selected unlicensed persons is limited to oral and topical medications, and regularly scheduled insulin, and prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable medications. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing their competency evaluations, may approve selected unlicensed persons for the provision of medications."

Time effective

SECTION 2. This act takes effect upon approval of the Governor.

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

No. 20

(R36, H3589)

AN ACT TO AMEND SECTION 59-19-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF SCHOOLS OF CHOICE EXEMPT FROM CERTAIN STATUTES AND REGULATIONS, SO AS TO REDESIGNATE THESE SCHOOLS AS BEING SCHOOLS OF INNOVATION, TO CLARIFY THAT PUBLIC SCHOOL

DISTRICTS MAY ESTABLISH MULTIPLE SCHOOLS OF INNOVATION, AND TO PROVIDE PROCEDURES FOR OBTAINING AND RENEWING STATUS AS A SCHOOL OF INNOVATION.

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

Schools of Choice redesignated as Schools of Innovation, procedures

SECTION 1. Section 59-19-350(A) of the 1976 Code is amended to read:

"(A)(1) A local school district board of trustees of this State desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district, may create one or more schools of innovation within the district that are exempt from applicable state statutes and regulations which govern other schools in the district. To achieve the status of a school of innovation and have exemption from specific statutes and regulations, the local board of trustees, at a public meeting, shall identify specific statutes and regulations which will be considered for exemption and shall disclose the financial model to be used. The exemption may be granted by the governing board of the district only if there is a two-thirds affirmative vote of the board for each exemption and the proposed exemption is approved by the State Board of Education, provided a district may not designate all schools in the district as schools of innovation.

(2) To achieve the status of exemption:

(a) A school district must identify each state statute, regulation, and local district policy from which the school is requesting exemption and specify how this flexibility will support academic achievement for students and the Profile of the Graduate. No district is permitted to request flexibility from all state regulations and statutes for any school or schools.

(b) The district superintendent must submit a request containing the information in subitem (a) to the local board of trustees for approval, which must be considered in a public meeting and requires a two-thirds vote of the board for approval. Any change in the request must be approved by the local board by a two-thirds vote.

(c) Once approved by a local school board, the district superintendent must submit the request to the State Board of Education for approval, which requires a two-thirds vote of the State Board. Any change in a request that is pending approval by, or has been approved

by, the State Board of Education must be made in the same manner as provided in subitem (b) and this subitem for initial requests.

(3) Each school of innovation annually before July first shall:

(a) demonstrate compliance with the financial model identified in item (1);

(b) provide full financial statements detailing how it receives and expends funds; and

(c) report the academic achievement of its students as indicated by the performance of its students on the same assessments and matrices required of all other public schools, based on grade level.

(4) Nothing in this section permits a local school district board of trustees to relinquish control or oversight of the schools created pursuant to this section, and the local school district board must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 22nd day of April, 2021.

No. 21

(R30, S271)

AN ACT TO AMEND SECTION 12-65-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE TEXTILE COMMUNITIES REVITALIZATION ACT, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE DEFINITION OF "CONTIGUOUS PARCEL"; AND TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, AS CONTAINED IN CHAPTER 67, TITLE 12 OF THE 1976 CODE, UNTIL DECEMBER 31, 2025.

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

Abandoned Buildings Revitalization Act extension

SECTION 1. Notwithstanding SECTION 1.B. of Act 57 of 2013, the provisions of Chapter 67, Title 12 of the 1976 Code are repealed on December 31, 2025.

Textiles Communities Revitalization Act

SECTION 2. A.Section 12-65-20(4)(b) of the 1976 Code, as last amended by Act 50 of 2019, is further amended to read:

"(b) Notwithstanding the provisions of item (4)(a), with respect to (i) any site acquired by a taxpayer before January 1, 2008, (ii) a site located on the Catawba River near Interstate 77, or (iii) a site which, on the date the notice of intent to rehabilitate is filed, is located in a distressed area of a county in this State, as designated by the applicable council of government, 'textile mill site' means the textile mill structure, together with all land and improvements which were used directly for textile manufacturing operations or ancillary uses, or were located on the same parcel or a contiguous parcel within one thousand feet of any textile mill structure or ancillary uses. For purposes of this subitem, 'contiguous parcel' means any separate tax parcel sharing a common boundary with an adjacent parcel or separated only by private or public roads and railroad rights of way."

B. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2020.

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 22

(R32, S571)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-361 SO AS TO REQUIRE PRESCRIBERS TO OFFER A PRESCRIPTION FOR NALOXONE HYDROCHLORIDE OR OTHER APPROVED DRUG TO A PATIENT UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES.

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

Prescriptions, opioid antidote

SECTION 1. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

"Section 44-53-361. (A) A prescriber shall:

(1) offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient if one or more of the following conditions are present:

(a) the prescription dosage for the patient is fifty or more morphine milligram equivalents of an opioid medication per day;

(b) an opioid medication is prescribed concurrently with a prescription for benzodiazepine; or

(c) the patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant;

(2) consistent with the existing standard of care, provide education to patients receiving a prescription pursuant to item (1) on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression; and

(3) consistent with the existing standard of care, provide education on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to one or more persons designated by the patient or, for a patient who is a minor, to the patient's parent or guardian.

(B) A prescriber who fails to offer a prescription, as required by subsection (A)(1), or fails to provide the education and use information required by subsections (A)(2) and (3) may be subject to discipline by the appropriate licensing board. This section does not create a private right of action against a prescriber and does not limit a prescriber's liability for negligent failure to diagnose or treat a patient."

Time effective

SECTION 2. This act takes effect ninety days after approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 23

(R34, H3179)

AN ACT TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS, SO AS TO EXEMPT SURGICALLY IMPLANTED DRUG DELIVERY SYSTEMS FROM THE THIRTY-ONE-DAY SUPPLY LIMITATION.

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

Schedule II prescription supply limitation, exceptions

SECTION 1. Section 44-53-360(e) of the 1976 Code is amended to read:

"(e) Prescriptions for controlled substances in Schedule II with the exception of transdermal patches and surgically implanted drug delivery systems, must not exceed a thirty-one-day supply. Prescriptions for Schedule II substances must be dispensed within ninety days of the date of issue, after which time they are void. Prescriptions for controlled substances in Schedules III through V, inclusive, must not exceed a ninety-day supply."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 24

(R35, H3567)

AN ACT TO AMEND SECTION 63-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE CHILDREN'S CODE, SO AS TO ADD A DEFINITION FOR "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" AND OTHER TERMS; TO AMEND SECTIONS 63-7-1210 AND 63-7-2350, AS AMENDED, RELATING TO INVESTIGATIONS OF INSTITUTIONAL ABUSE AND RESTRICTIONS ON FOSTER CARE PLACEMENTS, RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES; BY ADDING SECTIONS 63-7-1730 AND 63-7-1740 SO AS TO REQUIRE ASSESSMENT, CASE PLANNING, AND JUDICIAL REVIEW FOR CHILDREN PLACED IN QUALIFIED RESIDENTIAL TREATMENT PROGRAMS; AND TO AMEND SECTION 63-7-1700, RELATING TO PERMANENCY PLANNING, SO AS TO MAKE CONFORMING CHANGES.

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

Definitions

SECTION 1. Section 63-7-20(7)-(27) of the 1976 Code is amended to read:

"(7) 'Childcare institution' means a private childcare institution, or a public childcare institution which accommodates no more than twenty-five children, that is licensed by the department. 'Childcare institution' does not include wilderness camps or training schools, nor

does it include any facility that exists primarily for the detention or correction of children.

(8) 'Child protective investigation' means an inquiry conducted by the department in response to a report of child abuse or neglect made pursuant to this chapter.

(9) 'Child protective services' means assistance provided by the department as a result of indicated reports or affirmative determinations of child abuse or neglect, including assistance ordered by the family court or consented to by the family. The objectives of child protective services are to:

(a) protect the child's safety and welfare; and

(b) maintain the child within the family unless the safety of the child requires placement outside the home.

(10) 'Court' means the family court.

(11) 'Department' means the Department of Social Services.

(12) 'Emergency protective custody' means the right to physical custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger.

Emergency protective custody may be taken only by a law enforcement officer pursuant to this chapter.

(13) 'Guardianship of a child' means the duty and authority vested in a person by the family court to make certain decisions regarding a child, including:

(a) consenting to a marriage, enlistment in the armed forces, and medical and surgical treatment;

(b) representing a child in legal actions and to make other decisions of substantial legal significance affecting a child; and

(c) rights and responsibilities of legal custody when legal custody has not been vested by the court in another person, agency, or institution.

(14) 'Indicated report' means a report of child abuse or neglect supported by facts which warrant a finding by a preponderance of evidence that abuse or neglect is more likely than not to have occurred.

(15) 'Institutional child abuse and neglect' means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is the employee of a public or private residential home, institution, or agency.

(16) 'Legal custody' means the right to the physical custody, care, and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian.

Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

(17) 'Mental injury' means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

(18) 'Party in interest' includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board.

(19) 'Person responsible for a child's welfare' includes the child's parent, guardian, foster parent, an operator, employee, or caregiver, as defined by Section 63-13-20, of a public or private residential home, institution, agency, or childcare facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian. An investigation pursuant to Section 63-7-920 must be initiated when the information contained in a report otherwise sufficient under this section does not establish whether the person has assumed the role or responsibility of a parent or guardian for the child.

(20) 'Physical custody' means the lawful, actual possession and control of a child.

(21) 'Physical injury' means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

(22) 'Preponderance of evidence' means evidence which, when fairly considered, is more convincing as to its truth than the evidence in opposition.

(23) 'Probable cause' means facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

(24) 'Protective services unit' means the unit established within the Department of Social Services which has prime responsibility for state

efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(25) 'Qualified individual' means a trained professional or licensed clinician. A 'qualified individual' may be an employee of the department or affiliated with the placement setting, but the individual must maintain objectivity in determining the appropriate placement for the child.

(26) 'Qualified residential treatment program' means a childcare institution that:

(a) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required pursuant to Section 63-7-1730;

(b) has registered or licensed nursing staff and other licensed clinical staff who:

(i) provide care within the scope of their practice as defined by state law;

(ii) are on-site according to the treatment model referred to in subitem (a); and

(iii) are available twenty-four hours a day and seven days a week;

(c) to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(d) facilitates outreach to the family members of the child, including siblings; documents how the outreach is made, including contact information; and maintains contact information for any known biological family and fictive kin of the child;

(e) documents how family members are integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained;

(f) provides discharge planning and family-based aftercare support for at least six months postdischarge; and

(g) is licensed by the department and is accredited by any of the following independent, not-for-profit organizations:

(i) Commission on Accreditation of Rehabilitation Facilities (CARF);

(ii) Joint Commission on Accreditation of Health Care Organizations (JCAHO);

(iii) Council on Accreditation (COA);

(iv) Teaching Family Association;

(v) Educational Assessment Guidelines Leading Toward Excellence (EAGLE); or

(vi) another organization approved by the department.

(27) 'Reasonable and prudent parent standard' means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in age or developmentally appropriate activities.

(28) 'Subject of the report' means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

(29) 'Suspected report' means all initial reports of child abuse or neglect received pursuant to this chapter.

(30) 'Unfounded report' means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise."

Institutional abuse investigations

SECTION 2. Section 63-7-1210(A) of the 1976 Code is amended to read:

"(A) The Department of Social Services is authorized to receive and investigate reports of abuse and neglect of children who reside in or receive care or supervision in residential institutions, foster homes, qualified residential treatment programs, and childcare facilities. Responsibility for investigating these entities must be assigned to a unit or units not responsible for selecting or licensing these entities. In no case does the Department of Social Services have responsibility for investigating allegations of abuse and neglect in institutions operated by the Department of Social Services."

Foster care placement restrictions

SECTION 3. Section 63-7-2350(A) of the 1976 Code, as last amended by Act 140 of 2020, before the numbered items, is further amended to read:

"(A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, qualified residential treatment program, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working in the qualified residential treatment program or residential facility:"

Qualified residential treatment program placement

SECTION 4. Subarticle 11, Article 3, Chapter 7, Title 63 of the 1976 Code is amended by adding:

"Section 63-7-1730. (A) A child in the department's custody who is placed in a qualified residential treatment program is subject to assessment, case planning, and documentation requirements as outlined in this section.

(B) Within thirty days of the start of each placement in a qualified residential treatment program, a qualified individual shall:

(1) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the department;

(2) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which placement setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and would be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

(3) develop a list of child-specific short- and long-term mental and behavioral health goals.

(C) The department shall assemble a child and family team for the child. The qualified individual conducting the assessment required pursuant to this section shall work in conjunction with the child and family team while conducting and making the assessment.

(D) The child and family team shall consist of all appropriate biological family members, relatives, and fictive kin of the child, as well as, appropriate professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age fourteen, the child and family team shall include the members of the permanency team selected by the child.

(E) The department shall document in the child's case plan:

(1) the reasonable and good faith efforts of the department to identify and include all the individuals described in subsection (D) on the child and family team;

(2) all contact information for members of the child and family team, as well as contact information for other family members and fictive kin who are not part of the child and family team;

(3) evidence that meetings of the child and family team, including meetings relating to the assessment required pursuant to subsection (B), are held at a time and place convenient for family;

(4) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the child and family team;

(5) evidence that the assessment required pursuant to subsection (B) is determined in conjunction with the child and family team;

(6) the placement preferences of the child and family team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

(7) if the placement preferences of the child and family team and child are not the placement setting recommended by the qualified individual conducting the assessment pursuant to subsection (B), the reasons why the preferences of the team and of the child were not recommended.

(F) In the case of a child who the qualified individual conducting the assessment pursuant to subsection (B) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes is not an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

Section 63-7-1740. (A) The court shall review the status of a child placed in a qualified residential treatment program as prescribed in this section.

(B) Within sixty days of the start of each placement in a qualified residential treatment program, the court independently, shall:

(1) consider the assessment, determination, and documentation of the qualified individual conducting the assessment pursuant to Section 63-7-1730;

(2) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

(3) approve or disapprove the placement in a written court order.

(C) The written documentation required pursuant to Section 63-7-1730(E) and the court's approval or disapproval of the placement in a qualified residential treatment program must be included in the case plan for the child and must be incorporated in the court order.

(D) As long as a child remains in a qualified residential treatment program, the department shall submit evidence at any subsequent hearing:

(1) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home;

(2) that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment;

(3) that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

(4) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(5) documenting the efforts made by the department to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, or in a foster family home.

(E) The evidence required pursuant to subsection (D) must be included in the case plan for the child. The order of the court must address the evidence and must state whether the court approves or disapproves the placement in a qualified residential treatment program."

Permanency planning, qualified residential treatment program placement

SECTION 5.A. Section 63-7-1700(B) of the 1976 Code is amended by adding:

"(7) that information necessary to support the determinations required pursuant to Section 63-7-1740."

B. Section 63-7-1700 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"( ) In the case of a child who remains in a qualified residential treatment program, the court in its order shall address the evidence presented pursuant to subsection (B)(7) and shall state whether the court approves or disapproves the placement in a qualified residential treatment program."

Time effective

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

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 25

(R37, H3664)

AN ACT TO AMEND SECTION 40-57-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL LICENSURE BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE SOCIAL SECURITY NUMBER-BASED CRIMINAL RECORDS CHECKS IN ADDITION TO EXISTING REQUIREMENTS.

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

Initial licensure background check criteria, social security numbers

SECTION 1. Section 40-57-115 of the 1976 Code is amended to read:

"Section 40-57-115. In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for licensure as a salesman, broker, broker-in-charge, property manager, and property manager-in-charge, the commission shall require initial applicants and applicants for licensure renewal to submit to a state fingerprint-based criminal records check, to be conducted by the State Law Enforcement Division (SLED); a national criminal records check, supported by fingerprints, by the FBI; and a social security number-based criminal records check from a source approved by the commission. Costs of conducting a criminal records check must be borne by the applicant. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action."

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 22nd day of April, 2021.

Approved the 26th day of April, 2021.

No. 26

(R38, S38)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "REINFORCING COLLEGE EDUCATION ON AMERICA'S CONSTITUTIONAL HERITAGE ACT" OR THE "REACH ACT"; TO AMEND SECTION 59-29-120, RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUIRED FOR GRADUATION, SO AS TO PROVIDE PUBLIC HIGH SCHOOLS SHALL PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE DECLARATION OF INDEPENDENCE, THE EMANCIPATION PROCLAMATION, AND THE FEDERALIST PAPERS TO EACH STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE

ESSENTIALS OF THE UNITED STATES CONSTITUTION, SO AS TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING SHALL REQUIRE STUDENTS TO COMPLETE AT LEAST THREE CREDIT HOURS OF INSTRUCTION THAT PROVIDES A COMPREHENSIVE OVERVIEW OF THE MAJOR EVENTS AND TURNING POINTS OF AMERICAN HISTORY AND GOVERNMENT, TO INCLUDE SPECIFIC REQUIREMENTS FOR SUCH INSTRUCTION, TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING MAY NOT GRANT CERTIFICATES OF GRADUATION FOR BACCALAUREATE DEGREE PROGRAMS TO STUDENTS WHO FAIL TO SUCCESSFULLY COMPLETE THIS INSTRUCTION REQUIREMENT, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE GOVERNING BOARDS OF PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO PROVIDE RELATED OVERSIGHT AND COMPLIANCE REPORTING REQUIREMENTS OF THE COMMISSION OF HIGHER EDUCATION, AND TO SPECIFY THE STUDENTS TO WHICH THESE PROVISIONS APPLY; TO REPEAL SECTION 59-29-140 RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE BEGINNING WITH THE 2021-2022 SCHOOL YEAR.

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

Public high schools, required instruction

SECTION 1. Section 59-29-120(A) of the 1976 Code is amended to read:

"(A) All public high schools must give instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers. No student in any such school may receive a certificate of graduation without previously passing a course that includes instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers."

Public institutions of higher learning, required instruction, applicability

SECTION 2. A. Section 59-29-130 of the 1976 Code is amended to read:

"Section 59-29-130. (A)(1)(a) A public institution of higher learning, as defined in Section 59-103-5, that offers classes which may fulfill general education or liberal arts requirements shall require each undergraduate student, except a student eligible for the exemption provided in item (2), to complete no fewer than three semester credit hours or their equivalent in American history, American government, or another equivalent course of instruction that provides a comprehensive overview of the major events and turning points of American history and government which includes, at a minimum, reading:

(i) the United States Constitution in its entirety;

(ii) the Declaration of Independence in its entirety;

(iii) the Emancipation Proclamation in its entirety;

(iv) a minimum of five essays in their entirety from the Federalist Papers as selected by an instructor; and

(v) one or more documents that are foundational to the African American Freedom struggle.

(b) No public institution of higher learning may grant a certificate of graduation for a baccalaureate degree program to a student unless he successfully completes the requirements of this subsection.

(2) A public institution of higher learning may exempt a student who has completed three semester credit hours, or their equivalent, in an Advanced Placement, International Baccalaureate (IB), or dual-credit course with a passing grade in the subject of American government or American history, provided the completed three semester credit hours, or their equivalent, in an Advanced Placement, International Baccalaureate, or dual-credit course must satisfy the requirements of item (1).

(B) The board of trustees of a public institution of higher learning shall ensure that the requirements of this section are incorporated into the degree requirements of all undergraduate degree programs in a manner that does not:

(1) add to the total number of credit hours for any degree; and

(2) conflict with any school accreditation process.

(C) The Commission on Higher Education shall ensure the compliance of each public institution of higher learning with all provisions of this section. The commission annually shall collect

information necessary to ensure that a public institution of higher learning is in compliance with this section. This information annually must be reported to the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the House of Representatives Education and Public Works Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Education Committee."

B. Section 59-29-130, as amended by this act, applies to the first incoming undergraduate freshman class entering a public institution of higher learning after the effective date of this act and each subsequent undergraduate class thereafter. Nothing contained in Section 59-29-130 may be construed to prevent an undergraduate student enrolled in a public institution of higher learning on the effective date of this act from receiving a certificate of graduation.

Repeal

SECTION 3. Section 59-29-140 of the 1976 Code, relating to the enforcement of the program of study of the United States Constitution by the State Superintendent, is repealed.

Severability

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 5. This act takes effect beginning with the 2021-2022 School Year.

Ratified the 28th day of April, 2021.

Approved the 28th day of April, 2021.

No. 27

(R40, H3101)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 40 TO CHAPTER 5, TITLE 56 SO AS TO DEFINE THE TERM "SALVAGE POOL OPERATOR" AND PROVIDE FOR THE DISPOSITION OF A MOTOR VEHICLE IN THE POSSESSION OF A SALVAGE POOL OPERATOR WHO, UPON THE REQUEST OF AN INSURANCE COMPANY, TAKES POSSESSION OF A MOTOR VEHICLE THAT IS THE SUBJECT OF AN INSURANCE CLAIM AND SUBSEQUENTLY THE INSURANCE COMPANY DENIES MOTOR VEHICLE INSURANCE COVERAGE OR DOES NOT TAKE OWNERSHIP OF THE MOTOR VEHICLE; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE PROVISIONS THAT PERTAIN TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO CREATE ADDITIONAL TERMS AND DEFINITIONS RELATING TO SALVAGE, JUNK, AND OFF-ROAD-USE VEHICLES; TO AMEND SECTION 56-19-480, AS AMENDED, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS' SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO DELETE AN OBSOLETE TERM, MAKE TECHNICAL CHANGES, TO PROVIDE THIS SECTION APPLIES ALSO TO SALVAGE FLOOD AND SALVAGE FIRE VEHICLES, AND TO DELETE THE PROVISION THAT REQUIRES CERTAIN

VEHICLES TO UNDERGO AN INSPECTION; AND TO AMEND SECTION 56-19-485, RELATING TO THE TITLE-BRAND DESIGNATION OF VEHICLES AS "WRECKAGE" OR "SALVAGE", SO AS TO DELETE THESE DESIGNATIONS AND TO PROVIDE THE TITLE-BRAND DESIGNATION MUST BE ONE THAT IS CONTAINED IN SECTION 56-1-10.

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

Disposition of a motor vehicle by a salvage pool operator

SECTION 1. Chapter 5, Title 56 of the 1976 Code is amended by adding:

"Article 40

Disposition of Motor Vehicles by a Salvage Pool Operator Subject to an Insurance Claim

Section 56-5-5710. (A) As contained in this section, 'salvage pool operator' means a person who engages in the business of selling salvage motor vehicles at auction, including wholesale auction.

(B) This section applies only to a salvage pool operator who, on request of an insurance company, takes possession of a motor vehicle that is the subject of an insurance claim and the insurance company subsequently:

(1) denies coverage with respect to the motor vehicle; or

(2) does not otherwise take ownership of the motor vehicle.

An insurance company described in this subsection shall notify the salvage pool operator of the denial of the claim regarding the motor vehicle or other disposition of the motor vehicle. The insurance company must include in the notice the name and address of the owner of the motor vehicle and the lienholder, if any.

(C) Before the thirty-first day after receiving notice under subsection (B), a salvage pool operator shall notify the owner of the motor vehicle and any lienholder that:

(1) the owner or lienholder must remove the motor vehicle from the salvage pool operator's possession at the location specified in the notice to the owner and any lienholder no later than the thirtieth day after

the date the notice is mailed and if removed during this time period, there will be no charges assessed against the owner of the vehicle save the actual costs of providing the notice described herein; and

(2) if the motor vehicle is not removed within the time specified in the notice, the salvage pool operator will sell the motor vehicle and retain from the proceeds any costs actually incurred by the operator in obtaining, handling, and disposing of the motor vehicle as described in subsection (D).

(D) The salvage pool operator may include in the costs described in subsection (C)(2) only costs actually incurred by the salvage pool operator that have not been reimbursed by a third party or are not subject to being reimbursed by a third party, such as costs of notices, title searches, and towing and other costs incurred with respect to the motor vehicle. The costs described in subsection (C)(2):

(1) may not include charges for storage or impoundment of the motor vehicle for the first thirty days that the vehicle is stored with the salvage pool operator but may include a reasonable fee for every day of storage thereafter until the vehicle is disposed of; and

(2) may be deducted only from the proceeds of a sale of the motor vehicle.

(E) The notice required of a salvage pool operator under this section must be sent by registered or certified mail, return receipt requested or by a private delivery service which is acceptable to the Internal Revenue Service.

(F) If a motor vehicle is not removed from a salvage pool operator's possession before the thirty-first day after the date notice is mailed to the motor vehicle's owner and any lienholder under subsection (C), the salvage pool operator may obtain from the department:

(1) a salvage vehicle title for a salvage motor vehicle; or

(2) a nonreparable vehicle title for a nonreparable motor vehicle.

(G) An application for a title under subsection (F) must:

(1) be submitted to the department on a form prescribed by the department; and

(2) include evidence that the notice was sent as required by subsection (C) to the motor vehicle owner and any lienholder.

(H) A title issued under this section must be issued in the name of the salvage pool operator.

(I) The department shall issue the appropriate title to a person authorized to apply for the title under this section if the department determines that the application is complete and complies with applicable law.

(J) On receipt of a title under this section, the salvage pool operator shall sell the motor vehicle and retain from the proceeds of the sale the costs incurred by the salvage pool operator as permitted by subsection (D) along with the cost of titling and selling the motor vehicle. The salvage pool operator shall pay any excess proceeds from the sale, first to lienholders in order of priority to satisfy the liens and the remainder, if any, must be sent to the owner in the same manner as provided for in subsection (E).

(K) If the previous owner of the motor vehicle and the lienholder, if any, cannot be identified or located, or the owner does not respond to the notice sent to the owner in the manner provided for in subsection (E), any excess proceeds from the sale of the motor vehicle under subsection (J) shall escheat to the State of South Carolina. The proceeds shall be administered by the Comptroller General and must be disposed of in the manner provided by law."

Definitions

SECTION 2. Section 56-1-10 of the 1976 Code, as last amended by Act 114 of 2020, is further amended by adding the following appropriately numbered items at the end to read:

"( ) 'Salvage' means a brand added to a vehicle's title by the department to designate a vehicle that has been declared a total loss by an insurance company, has repairs that exceed seventy-five percent of the value of the vehicle before the damage occurred, or has damage to the body, unibody, or frame to the extent that it is unsafe for operation.

( ) 'Salvage Rebuilt' means a brand added to a vehicle's title by the department to designate a vehicle with a salvage brand that has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

( ) 'Salvage Flood' means a brand added to a vehicle's title by the department to designate that an insurance company has paid a total loss claim on a vehicle due to damage caused by:

(a) having been submerged in water to a point the level of the water was higher than the door sill of the vehicle or having had water enter the passenger, trunk, or engine compartment of the vehicle; or

(b) having had water come into contact with the electrical or computer components of the vehicle.

( ) 'Salvage Flood Rebuilt' means a brand added to a vehicle's title by the department to designate a vehicle with a salvage flood brand that

has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

( ) 'Salvage Fire' means a brand added to a vehicle's title by the department to designate an insurance company has paid a total loss claim on a vehicle due to damage caused by fire.

( ) 'Salvage Fire Rebuilt' means a brand added to a vehicle's title by the department to designate a vehicle with a salvage fire brand that has been transferred to a new owner who has repaired the vehicle pursuant to Section 56-19-480(E).

( ) 'Junk' means a brand added to a vehicle's title by the department to designate an insurance company has determined a vehicle has been damaged to the extent that it cannot be repaired for operation, or that it is only of value as a source of parts or scrap metal.

( ) 'Off Road Use Only' means a brand added to a vehicle's title by the department to designate a vehicle's Manufacturer Certificate of Origin or equivalent document of origin designating a vehicle is not manufactured for use on public roads. The department shall not register and license the vehicle pursuant to Section 56-3-350. Vehicles brought into this State from a foreign jurisdiction without a title that clearly says 'Off Road Use Only', or its equivalent, which do not meet Federal Motor Vehicle Safety Standards may be subject to this brand at the department's discretion."

Transfer and surrender of vehicle documents and plates

SECTION 3. Section 56-19-480 of the 1976 Code, as last amended by Act 17 of 2019, is further amended to read:

"Section 56-19-480. (A) An owner who scraps, dismantles, destroys, or in any manner disposes to another, except to a demolisher or secondary metals recycler, as salvage, a motor vehicle otherwise required to be titled in this State immediately shall mail or deliver to the Department of Motor Vehicles the vehicle's certificate of title notifying the department to whom the vehicle is delivered together with a report indicating the type and severity of any damage to the vehicle. A person or entity who disposes of a vehicle to a demolisher or secondary metals recycler shall provide the vehicle's title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metals recycler can surrender the title certificate to the Department of Motor Vehicles pursuant to Sections 56-5-5670 and 56-5-5945.

(B) If a vehicle is acquired by an insurance company in settlement of a claim to the vehicle by fire, flood, collision, or other causes, or is left

with the claimant after being declared a total loss by the insurance company, the company or its agent immediately shall deliver to the department the certificate of title together with a report indicating the type and severity of damage to the vehicle. If an insurance company or its agent is unable to obtain the certificate of title from the claimant within thirty days after acceptance by the claimant of an offer in settlement of total loss, the insurance company or its agent, on a form prescribed by the department, may submit an application to the department for a salvage, salvage flood, or salvage fire, as defined in Section 56-1-10, certificate of title. The application shall include evidence that the insurance company or its agent has fulfilled its settlement with and made two or more written attempts to obtain the certificate of title from the claimant. At such time as the insurance company may thereafter transfer the damaged vehicle, the company or its agent shall notify the department to whom the transfer was made on a form prescribed by the department. When an insurance company obtains a title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as 'salvage', 'salvage flood', or 'salvage fire', as defined in Section 56-1-10. The insurance company must pay the title fee contained in Section 56-19-420.

(C) All insurance companies which make payments on liability, collision, fire, theft, or comprehensive policies for damaged motor vehicles in this State shall allow department officials to examine all records of the company which pertain to payments made pursuant to the policies during normal working hours.

(D) Vehicles acquired by insurance companies as outlined above are exempt from ad valorem property taxes and inventory taxes, and the transfers of the vehicles to and from insurance companies exempt from sales taxes.

(E) If a salvage, salvage flood, or salvage fire vehicle is rebuilt, a regular certificate of title may not again be issued except upon submission of an application stating that the vehicle has been rebuilt and containing the information ordinarily required by the department for the issuance of a certificate of title as well as any information the department may require about the identity of the vehicle, the source and cost of any parts used in, and the extent of any repairs or other work done to the vehicle. The owner shall follow the procedure prescribed by the department if he is seeking a rebuilt brand on a title. Any regular certificate of title issued by the department for a previously salvaged vehicle must be annotated to show that the vehicle was 'salvaged rebuilt'

and the reason why the vehicle was ‘salvage rebuilt’, ‘salvage flood rebuilt’, or ‘salvage fire rebuilt’.

(F) The manufacturer’s serial plate or vehicle identification number (VIN) plate must remain with the vehicle at all times until the vehicle is shredded, crushed, melted, or otherwise destroyed.

(G) For purposes of this section, a ‘salvage vehicle’, and a ‘vehicle declared to be a total loss’ are all synonyms and are defined to be any motor vehicle which is damaged to the extent that the cost of repairing the motor vehicle, including both parts and reasonable market charges for labor, equal or exceed seventy-five percent of the fair market value of the motor vehicle. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. When an insurance company is involved, the fair market value of the vehicle must be determined as of the date immediately before the event which gave rise to the claim. When an insurance company is not involved, then the fair market value must be determined as of the last day on which the vehicle was lawfully operated on a public highway or the last day on which it was registered, whichever is later.

(H) A person violating any provision of this section is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not less than two nor more than five hundred dollars, or imprisoned for not more than thirty days, or both. For a second or subsequent offense, the fine must not be less than five hundred dollars and not more than one thousand dollars or imprisonment for not more than one year, or both.”

Vehicle title-brand designations

SECTION 4. Section 56-19-485 of the 1976 Code is amended to read:

“Section 56-19-485. (A) Notwithstanding any other provision of law, whenever any motor vehicle with a vehicle title brand as defined in Section 56-1-10 is transferred in this State pursuant to Section 56-19-480, whether the vehicle was, immediately before such transfer, titled in this State or in another state, the vehicle title shall maintain the designated brand to inform the transferee of the exact condition of the vehicle. No out-of-state vehicle or South Carolina registered vehicle shall be registered under the laws of this State without such designation, and this designation must be applied to all subsequent transfers of the vehicle. If the title-brand designation of a vehicle titled in another jurisdiction does not match exactly the definitions contained in Section 56-1-10, the department shall determine which of the title branding

definitions in Section 56-1-10 most nearly describes the condition of the vehicle when titling it in South Carolina. The department shall apply that brand to the vehicle and it should remain on the vehicle through any subsequent transfers in South Carolina. The department may add other nonsalvage brands, outside of those defined in Section 56-1-10, to vehicle titles to properly classify vehicles and the use of those vehicles as it pertains to vehicle operation in South Carolina. Any vehicle previously title-branded in another state must be title-branded as the department deems appropriate pursuant to this section without regard to whether the vehicle was subsequently titled in a jurisdiction without a title brand.

The provisions of this section apply to transfers of vehicles in all of the circumstances described in Section 56-19-480.

(B) Notwithstanding the provisions of this section, the owner of a vehicle whose total cost of repair, including all labor and parts, is estimated to be seventy-five percent or more of the fair market value of the vehicle must provide the Department of Motor Vehicles an affidavit from a person who reconstructs or rebuilds a vehicle indicating the cost of repair along with other data the department may prescribe to obtain a certificate of title. The provisions contained in this section do not apply to a motor vehicle that has a fair market value of two thousand dollars or less, or an antique motor vehicle as defined by Section 56-3-2210. A certificate of title issued for a vehicle described in this paragraph must be annotated to indicate the motor vehicle is designated 'salvage' as applicable to the extent necessary to inform the transferee of the exact condition of the vehicle. A salvaged out-of-state vehicle or South Carolina registered vehicle may not be registered in this State without this designation, and this designation must be applied to subsequent transfer of the vehicle.

(C) If a vehicle's Manufacturer's Certificate of Origin is branded with a designation, the department shall apply that same brand to the vehicle and it should remain with the vehicle through any subsequent transfers in South Carolina. If the title-brand designation of the Manufacturer's Certificate of Origin does not match exactly the definitions in Section 56-1-10, the department shall determine which title branding definition in Section 56-1-10 most nearly describes the condition of the vehicle when titling it in South Carolina."

Time effective

SECTION 5. This act takes effect one hundred eighty days after approval by the Governor.

Ratified the 28th day of April, 2021.

Approved the 28th day of April, 2021.

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ASHLEY HARWELL-BEACH
Code Commissioner
P. O. Box 11489
Columbia, S.C. 29211