

This issue of the Legislative Update is a comprehensive review of all legislation passed by the General Assembly during the 2012 session. It is a report intended to provide a brief synopsis of newly enacted legislation and is generally categorized for ease of review. Please refer to the actual text of the legislation for detailed provisions.

## Requests for Legislation

When requesting legislation, please refer to the Act number. Please direct requests for legislation to Catherine Scarlett, South Carolina Bar, P.O. Box 608, Columbia SC 29202. (803) 799-6653. Fax: (803) 799-4118. Bar members can also request legislation by e-mailing [cscarlett@sbar.org](mailto:cscarlett@sbar.org). There will be a charge for any requests exceeding 30 pages (\$.10 per page).

Any other questions relating to legislation can be directed to Kali Campbell Turner, South Carolina Bar, P.O. Box 608, Columbia, SC 29202. (803) 799-6653. Fax: (803) 799-4118 [ktturner@sbar.org](mailto:ktturner@sbar.org).

## General Assembly & South Carolina Code of Laws

Online legislation and regulations are available at [www.scstatehouse.gov](http://www.scstatehouse.gov). The South Carolina Code of Laws is available at this site as well.

### Title 1 - Administration of the Government

**Office of Inspector General.** Act 105 (R112, S. 258) an act to amend § 1-3-240, as amended, Code of Laws of South Carolina, 1976, relating to removal of officers by the Governor, so as to provide that the State Inspector General may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity; and by adding Chapter 6 to Title 1 so as to create the Office of the State Inspector General, to provide that the State Inspector General is appointed by the Governor with the advice and consent of the Senate, to authorize the State Inspector General to address fraud, waste, abuse, and wrongdoing within the South Carolina executive government agencies, and to provide for the powers, duties, and functions of the office. Effective January 1, 2012

**Law Enforcement Training Council.** Act 119 (R126, H. 4192) an act to amend § 1-30-90, Code of Laws of South Carolina, 1976, relating to certain agencies, boards, and commissions that were transferred to, incorporated in, and administered as part of the Department of Public Safety, so as to delete the Law Enforcement Training Council. Effective February 1, 2012

**African American History Month.** Act 131 (R138, S. 1196) an act to amend the Code of Laws of South Carolina, 1976, by adding § 1-1-616 so as to provide that the month of February of every year is designated African American History Month in South Carolina. Effective March 13, 2012

**Administrative Law Court.** Act 212 (R241, H. 5026) an act to amend § 1-23-600, as amended, Code of Laws of South Carolina, 1976, relating to hearings and proceedings before the Administrative Law Court, so as to delete an obsolete reference exempting appeals from the Department of Employment And Workforce to the Court; to amend § 56-1-286, as amended, relating to the suspension or denial of the drivers' license, permit, or nonresident's operating privilege of a person who drives an automobile while having an alcohol concentration of two-hundredths of one percent, so as to provide he may seek a contested case hearing before the Office of Motor Vehicle hearings for a suspension under this section, to make conforming changes, to provide the Department and arresting officer have the burden of proof in this contested case, and to provide the hearing officer shall rescind the suspension if neither the Department nor arresting officer appear at the hearing, regardless of whether the person requesting the hearing or his attorney appears at the hearing; to amend § 56-5-2942, as amended, relating to mandatory immobilization of certain motor vehicles, so as to provide the Department may issue a determination permitting or denying the release of the vehicle to its registered owner or a member of the household of the registered owner based on an affidavit from him containing certain information, and to provide for an appeal from a department determination to the Office of Motor Vehicles for a contested hearing pursuant to the administrative procedures act and the rules and

procedures of the Department; to amend § 56-5-2951, as amended, relating to the suspension or denial of the drivers' license, permit, or nonresident's operating privilege of a person who refuses to submit to certain alcohol concentration testing, among other things, so as to provide a person may seek a contested case hearing before the Office of Motor Vehicle hearings for a suspension under this section, to make conforming changes, and to provide the Department and arresting officer have the burden of proof in this contested case, and to provide the hearing officer shall rescind the suspension if neither the Department nor arresting officer appear at the hearing, regardless of whether the person requesting the hearing or his attorney appears at the hearing; and to amend § 56-5-2952, as amended, relating to the filing fee for a contested case hearing, so as to increase the fee to two hundred dollars or as otherwise provided by the Office of Motor Vehicles, and to provide funds received from the fee must be retained by the Administrative Law Court and must first be used to meet the expenses of the Office of Motor Vehicle hearings in a certain manner. June 7, 2012

**Departments of State Government and their Governing Authority.** Act 222 (R250, S. 1127) an act to amend § 1-30-10, as amended, Code of Laws of South Carolina, 1976, relating, among other things, to the creation of the departments of state government and their governing authority, so as to eliminate the specific number of board members that must be appointed to govern a department; to amend §§ 40-9-30 and 40-9-37, both relating to membership on the Board of Chiropractic Examiners, so as to increase board membership by adding a member to be appointed from the newly created seventh congressional district; to amend § 40-15-20, relating to membership on the State Board of Dentistry, so as to increase board membership by adding a member to be appointed from the seventh congressional district and by adding an elected dental hygienist member; to amend § 40-33-10, relating to membership on and duties of the State Board of Nursing, so as to increase board membership by adding a member to be appointed from the seventh congressional district and to delete the provision authorizing the board to establish a fee schedule in regulations; to amend § 40-43-40, relating to membership on the State Board of Pharmacy, so as to increase board membership by adding a member to be appointed from the seventh congressional district; to amend § 40-45-10, relating to membership on the State Board of Physical Therapy Examiners, so as to increase board membership by adding a member to be appointed from the seventh congressional district and by adding an additional member from the general public; to amend § 40-47-10, relating to membership on and duties of the State Board of Medical Examiners, so as to increase board membership by adding a member to be appointed from the seventh congressional district and to delete the provision authorizing the board to establish an initial fee schedule in regulations; to amend § 40-47-11, relating to membership on the Medical Disciplinary Commission, so as to decrease commission physician membership from thirty-six to thirty-five by continuing to appoint five physician commissioners from each congressional district, by eliminating the six at-large physician commissioners, and by decreasing lay commission membership from twelve to seven by appointing one, rather than two, lay commissioners from each congressional district; to amend § 40-75-10, relating to membership on the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialist, so as to increase board membership by adding a member to be appointed from the seventh congressional district; to amend § 44-1-20, relating to membership on the board of the Department of Health and Environmental Control, so as to increase board membership by adding a member to be appointed from the seventh congressional district; to amend § 44-9-30 and §§ 44-20-210 and 44-20-225, both as amended, relating, respectively, to membership on the South Carolina Mental Health Commission, membership on the South Carolina Commission on Disabilities and Special Needs, and membership on consumer advisory boards to the Commission on Disabilities and Special Needs, so as to maintain the seven member Mental Health Commission, the seven member Commission On Disabilities and Special Needs, and the seven member consumer advisory boards by providing that one member must be appointed from each congressional district and by eliminating the one state at large member from each commission and from each board; to provide transition provisions for congressional district members added and transferred and for changes in board composition and otherwise unrepresented congressional districts; to delete obsolete language and to make changes necessary to conform to the provisions of this act. Effective June 7, 2012

**Honor and Remember Flag.** Act 237 (R297, H. 4093) an act to amend the Code of Laws of South Carolina, 1976, by adding § 1-1-713a so as to designate the honor and remember flag as the official state emblem of the service and sacrifice by those in the United States Armed Forces who have given their lives in the line of duty. Effective June 18, 2012

**Boards and Commissions Whose Members Are Appointed or Elected by Congressional District.** Act 279. (R313, S. 1088) an act to amend § 1-13-40, Code of Laws of South Carolina, 1976, relating to South Carolina Commission on Human Affairs, so as to provide for representation on the commission from the seventh congressional district; to amend § 1-15-10, as amended, relating to the Commission on Women, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 1-31-10, relating to the State Commission for Minority Affairs, so as to provide for representation on the commission from the seventh congressional district; to amend § 6-19-30,

relating to the Advisory Committee for State Grants to Public Water and Sewer Authorities, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 8-13-310, relating to State Ethics Commission, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 13-1-1050, as amended, relating to the Aeronautics Commission, so as to provide for representation on the commission from the seventh congressional district; to amend § 13-17-40, as amended, relating to the South Carolina Research Authority, so as to provide for representation on the authority from the seventh congressional district; to amend § 24-21-10, as amended, relating to the board of Probation, Parole and Pardon Services, so as to provide for representation on the board from the seventh congressional district; to amend § 25-19-10, relating to the South Carolina Prisoner of War Commission, so as to provide for representation on the commission from the creation of the seventh congressional district; to amend § 40-57-40, relating to the membership of the South Carolina Real Estate Commission, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 40-59-10, relating to the membership of the South Carolina Residential Builders Commission, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 40-69-10, relating to the membership of the State Board Of Veterinary Medical Examiners, so as to provide for the appointment of one additional member from the seventh congressional district; to amend § 40-81-50, relating to the membership of the State Athletic Commission, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 41-43-30, as amended, relating to the membership of the South Carolina Jobs - Economic Development Authority, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 43-25-10, relating to the membership of the South Carolina Commission for the Blind, so as to provide for the appointment of an additional member from the seventh congressional district; to amend § 43-31-40, relating to the membership of the State Agency of Vocational Rehabilitation, so as to eliminate the at-large seat and replace it with a member from the newly created seventh congressional district; to amend § 48-4-30, relating to the governing board of the Department of Natural Resources, so as to provide for representation on the board from the seventh congressional district, to provide for the appointment of the board chairman, and to clarify the dates upon which the current members' terms shall terminate; to amend § 48-39-40, relating to the Coastal Zone Management Appellate Panel, so as to increase the membership from fourteen to fifteen with members appointed from each congressional district; to amend § 48-39-45, relating to the Coastal Zone Management Advisory Council, so as to increase the membership from fourteen to fifteen with members appointed from each congressional district; to amend § 48-59-40, relating to the board of the South Carolina Conservation Bank, so as to increase the membership from twelve to fourteen, including one member from the newly created seventh congressional district and one new member from the state at large; to amend § 51-13-1720, relating to the board of regents of the Old Jacksonborough Historic District, so as to increase the membership from nine to ten with the additional member appointed from the seventh congressional district; to amend § 51-17-50, as amended, relating to the Heritage Trust Advisory Board, so as to increase the membership with the additional member appointed from the seventh congressional district; to amend § 51-18-60, as amended, relating to the War Between The States Advisory Board, so as to increase the membership from eleven to thirteen with one additional member appointed from the seventh congressional district and one member appointed by the Governor at large; to amend § 51-22-30, relating to the Legacy Trust Fund Board, so as to increase the membership from fifteen to seventeen with two additional members appointed from the seventh congressional district; to amend § 58-3-20, as amended, relating to the Composition of the Public Service Commission, so as to provide for representation on the commission from the seventh congressional district; to amend § 58-31-20, as amended, relating to the South Carolina Public Service Authority Board of Directors, so as to increase the membership from eleven to twelve with members appointed from each congressional district, and to impose experience requirements; to amend § 59-26-50, relating to the Educator Improvement Task Force, so as to increase the membership from twelve to thirteen with one additional member appointed from the seventh congressional district; to amend § 59-53-610, relating to the Denmark Technical College Area Commission, so as to provide that the members of the State Board for Technical and Comprehensive Education from the sixth congressional district instead of the third congressional district is a member of the commission ex officio; to amend § 63-11-700, relating to the board of the Division for Review of the Foster Care of Children, so as to eliminate the at-large seat and replace it with a member from the newly created seventh congressional district; to amend § 63-11-920, relating to the South Carolina Children's Trust Fund Board of Directors, so as to eliminate one of the at-large seats, replacing it instead with a member from the newly created seventh congressional district; to amend § 63-19-610, relating to the State Board of Juvenile Parole, so as to reduce the board's membership from ten to seven members, and to clarify resources that the Department of Juvenile Justice shall continue to provide to the board; and to include legislative findings and provisions regarding continuation of service on certain boards, commissions, or committees affected by congressional redistricting. Effective June 26, 2012

## Title 2 - General Assembly

**Born Alive Infant Protection Act.** Act 174 (R200, S. 1149) an act to amend the Code of Laws of South Carolina, 1976, so as to enact the "Born Alive Infant Protection Act"; to amend § 2-7-30, relating to construction of words in legislative enactments, so as to provide for construction of the term "born alive". Effective May 25, 2012

**Medal of Valor Act.** Act 175 (R201, S. 1213) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 67 to Title 2 so as to establish the State of South Carolina medal of valor to recognize South Carolinians, or individuals with certain ties to South Carolina, who were killed in action while serving in the Armed Forces of the United States of America; to provide for the South Carolina Medal of Valor roll; and to establish the South Carolina Medal of Valor Award criteria. Effective May 25, 2012

### Title 3 - U.S. Government, Agreements and Relations With

**Ratification of Constitutional Amendment.** Act 152 (R172, S. 6) an act to ratify an amendment to Section 36(a), Article III of the Constitution of South Carolina, 1895, relating to the General Reserve Fund, so as to increase from three to five percent the amount of state general fund revenue in the latest completed fiscal year required to be held in the General Reserve Fund; and to ratify an amendment to Section 36(b) of Article III, relating to the Capital Reserve Fund, so as to provide that monies in the Capital Reserve Fund, in any year the General Reserve Fund does not have the required percentage of general fund revenue, first must be used to fully replenish the applicable percentage amount in the General Reserve Fund before being used for other authorized purposes which do not include offsetting midyear budget reductions. Effective May 8, 2012

### Title 4 – Counties

### Title 5 - Municipal Corporations

**City of Tega Cay.** Act 145 (R163, H. 4797) an act to amend § 5-31-230, as amended, Code of Laws of South Carolina, 1976, relating to municipalities in which there are no Board of Commissioners of Public Works, so as to include the city of Tega Cay. Effective April 2, 2012

**Municipal Court Trials.** Act 263 (R308, H. 4798) an act to amend § 5-7-90, Code of Laws of South Carolina, 1976, relating to the trial of a person in a municipal court, so as to no longer provide that a mayor may conduct a municipal trial, to provide that a municipal judge must conduct a speedy trial of persons arrested and incarcerated, and to revise the period of time that a person must be tried after the date of his arrest. Effective June 18, 2012

**Widening and Dredging Waterways.** Act 268 (R233, H. 4033) an act to amend § 4-10-330, as amended, Code of Laws of South Carolina, 1976, relating to the Capital Project Sales Tax Act, so as to provide that the authorized projects that are allowed to be funded by a county capital project sales tax include dredging, dewatering, construction of spoil sites, and disposal of spoil materials; and to amend §§ 5-37-40, 5-37-50, and 5-37-100, all as amended, relating to the Municipal Improvement Act, so as to provide that a municipal improvement district may be created for the sole purpose of the widening and dredging of waterways without prior written consent of owners of owner-occupied residential property at the time the improvement district is created. Effective June 20, 2012

### Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

**International Energy Conservation Code of 2009.** Act 143 (R161, H. 4639) act to amend § 6-10-30, as amended, Code of Laws of South Carolina, 1976, relating to the 2006 edition of the International Energy Conservation Code, so as to adopt the 2009 edition of the International Energy Conservation Code as the energy standard of this state. Effective January 1, 2013

**Public Service District.** Act 146 (R164, S. 1301) an act to amend the Code of Laws of South Carolina, 1976, by adding § 6-11-335 so as to provide for the manner in which and requirements under which the membership of the governing body of certain public service districts may be expanded. Effective April 18, 2012

**Special Purpose Districts.** Act 178 (R206, H. 3417) an act to amend § 6-11-10, Code of Laws of South Carolina, 1976, relating to the authority to establish special purpose or public service districts, so as to clarify that the provision of fire protection services may or may not include rescue response services as an authorized purpose for which a special purpose or public service district may be established. Effective May 25, 2012

**Powers of Special Purpose Districts Commissions.** Act 192 (R238, H. 4726) an act to amend § 6-11-1230, Code of Laws of South Carolina, 1976, relating to powers of public service district and special purpose district commissions, including, among other things, the power to assess the cost of the establishment and construction of a sewer lateral collection line, so as to provide that if on the effective date of this act a residential subdivision had received conceptual approval from the Department of Health and Environmental Control for septic tank use and subsequently five or more lots in the subdivision were denied permits by the Department, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of the sewer lateral collection lines, transmission lines, and associated infrastructure and to provide that a letter or certificate of the Department establishes these conditions authorizing the assessment; and to amend § 6-11-100, relating to powers and duties of boards of commissioners of special purpose or public service districts, so as to provide that property purchased by these boards may be held in the name of the commission or the name of the district. Effective June 7, 2012

**Oconee and Anderson Counties Rural Water District.** Act 276 (R322, H. 4801) an act to amend § 6-13-230, Code of Laws of South Carolina, 1976, relating to the Pioneer Rural Water District of Oconee and Anderson counties, so as to further provide for the qualifications, terms, and manner of selection of members of the governing board of the district; to amend § 6-13-240, as amended, relating to the powers and duties of the district acting through its governing board, so as to provide that before the district makes an investment in a facility or takes any other action that would obligate the district for one million dollars or more, it must provide for an independent audit, to provide for how the audit must be conducted and for a meeting of the district's customers about the audit's findings, and for submission of the audit to The Office of Regulatory Staff for comment; and to amend § 6-13-250, relating to the non-regulation of rates of the district, so as to provide that the board must provide to the Office of Regulatory Staff by July first each year schedules showing all rates, service rules and regulations, and forms of service contract established by the board. Effective June 26, 2012

## Title 7 – Elections

**Cherokee County Voting Precincts.** Act 130 (R137, S. 1063) an act to amend § 7-7-160, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Cherokee County, so as to revise and rename certain precincts and redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective March 13, 2012

**Allendale County Voting Precincts.** Act 132 (R142, S. 1217) an act to amend § 7-7-50, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Allendale County, so as to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. April 2, 2012

**Hampton County Voting Precincts.** Act 141 (R159, H. 4295) an act to amend § 7-7-300, as amended, Code of Laws of South Carolina, 1976, relating to the designation of voting precincts in Hampton County, so as to delete polling place locations in the voting precincts of Hampton County, to designate a map number for the map on which lines of these precincts are delineated and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to authorize the Hampton County Board of Elections and Voter Registration, with the approval of a majority of the Hampton County legislative delegation, to determine the polling places for the precincts in Hampton County. Effective April 2, 2012

**Kershaw County Voting Precincts.** Act 151 (R171, H. 5042) an act to amend § 7-7-340, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Kershaw County, so as to consolidate the "Camden No. 3" and the "Camden No. 4" precincts into the "Hobkirk's Hill" precinct, to add the "Elgin No. 6" precinct, to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective April 23, 2012

**Lancaster County Voting Precincts.** Act 156 (R176, S. 1122) an act to amend § 7-7-350, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Lancaster County, so as to revise and rename certain precincts and redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective May 14, 2012

**Oconee County Voting Precincts.** Act 157 (R177, S. 1223) an act to amend § 7-7-430, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Oconee County, so as to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective May 14, 2012

**Pickens County Voting Precincts.** Act 158 (R178, S. 1316) an act to amend § 7-7-450, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Pickens County, so as to redesignate certain precincts, to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective May 14, 2012

**Williamsburg County Precincts.** Act 160 (R184, S. 1461) an act to amend § 7-7-520, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Williamsburg County, so as to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective May 14, 2012

**Inman Mills Baptist Voting Precinct Renamed.** Act 167 (R191, H. 3923) an act to amend § 7-7-490, as amended, Code of Laws of South Carolina, 1976, relating to the designation of voting precincts in Spartanburg County, so as to rename the Inman Mills Baptist voting precinct the greater St. James voting precinct and redesignate a map number for the map on which lines of these precincts are delineated and maintained by the Division of Research and Statistics of the State Budget and Control Board. See Act for Effective Date

**Town Creek Precinct.** Act 182 (R210, H. 5181) an act to amend § 7-7-80, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Anderson County, so as to add the "Town Creek" precinct, to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective May 25, 2012

**Colleton County Voting Precincts.** Act 193 (R242, H. 5027) an act to amend § 7-7-200, as amended, Code of Laws of South Carolina, 1976, relating to the designation of voting precincts in Colleton County, so as to add the "Walterboro No. 5" precinct, to designate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective June 7, 2012

**Laurens County Voting Precincts.** Act 194 (R244, H. 5166) an act to amend § 7-7-360, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Laurens County, so as to redesignate certain precincts, to redesignate a map number on which the names of these precincts may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective June 7, 2012

**Higher Education Mission and Goals.** Act 214 (R259, H. 4887) an act to amend § 7-27-275, Code of Laws of South Carolina, 1976, relating to the Clarendon County Election Commission and the Clarendon County Board of Registration, so as to combine the Clarendon County Election Commission and the Clarendon County Board of Registration into a single entity.] Effective June 11, 2012

**Voting Precincts Revised.** Act 232 (R285, H. 3433) an act to amend § 7-7-110, as amended, Code of Laws of South Carolina, 1976, relating to the designation of voting precincts in Beaufort County, so as to review and rename certain voting precincts of Beaufort County and to redesignate a map number for the map on which lines of these precincts are delineated and maintained by the Division of Research and Statistics of the State Budget and Control Board. Effective June 18, 2012

**Lexington County Voting Precincts.** Act 254 (R282, S. 1555) an act to amend § 7-7-380, as amended, Code of Laws of South Carolina, 1976, relating to the designation of precincts in Lexington County, so as to revise the names of certain precincts, to redesignate a map number on which the names of these precincts

may be found and maintained by the Division of Research and Statistics of the State Budget and Control Board, and to correct archaic language. Effective June 18, 2012

**Voter Registration.** Act 265 (R311, H. 4945) an act to amend § 7-5-170, as amended, Code of Laws of South Carolina, 1976, relating to the necessity of written voter registration applications, so as to permit electronic applications; by adding § 7-5-185 so as to authorize a person to register to vote electronically on the State Election Commission's internet website, to provide a procedure for electronic registrations, and to authorize the State Election Commission to promulgate regulations to effectuate electronic registrations; by adding § 7-5-186 so as to require the State Election Commission to establish and maintain a statewide voter registration database, to require certain state agencies to provide requested information to the State Election Commission, and to allow the State Election Commission to enter into agreements with other states or groups of states in order to maintain the statewide voter registration database; to amend § 7-3-20, as amended, relating to the duties of the executive director of the State Election Commission, so as to require the establishment and maintenance of a statewide voter registration database; to amend § 7-3-30, as amended, relating to the notice of deletion of an elector's name from the roster of electors, so as to clarify the reasons for deletion and to provide that the executive director shall restore an elector's name to the roster if instructed to do so by the county board of registration; to amend § 7-3-40, as amended, relating to reports furnished by the Bureau of Vital Statistics, so as to provide that these reports must be provided at no charge; and by adding § 7-3-70 so as to require the Department of Motor Vehicles to furnish certain monthly reports to the executive director of the State Election Commission at no charge. Effective June 18, 2012

## **Title 8 - Public Officers and Employees**

**Filing of Court Documents by Electronic Means Created.** Act 269. (R258, H. 4821) an act to amend § 8-21-310, as amended, Code of Laws of South Carolina, 1976, relating to court fees and costs, so as to provide for the filing of court documents by electronic means from an integrated electronic filing (e-filing) system and to provide that fees generated from e-filing are to be used in support of court technology. Effective June 20, 2012

## **Title 9 - Retirement Systems**

**SC Retirement System.** Act 278 (R323, H. 4967) an act to amend the Code of Laws of South Carolina, 1976, by adding §§ 9-1-1815 and 9-1-1085 so as to provide for annual increases in retirement allowances paid by the South Carolina Retirement System (SCRS) and to phase in increases in employer and employee contributions to SCRS and provide for further contribution adjustments after the phase-in period; to amend § 9-1-10, as amended, relating to definitions for purposes of SCRS, so as to add class three employees as defined as individuals with an effective date of system membership after June 30, 2012, to add definitions applicable for the eligibility and calculation of retirement benefits for class three members, to further define "earnable compensation" with respect to overtime pay, and to revise the reference to the governance of SCRS; to amend §§ 9-1-1020, as amended, 9-1-1050, and 9-1-1080, relating to SCRS employee and employer contributions, so as to conform to the revised contributions schedule; to amend § 9-1-1140, as amended, relating to establishing service credit to SCRS, so as to provide that payments for service credit must be actuarially neutral based on the member's current age and service credit subject to a statutory minimum payment and provide that additional service credit at retirement based on unused accumulated sick leave applies only to class one and class two SCRS members; to amend § 9-1-1510, as amended, relating to eligibility for retirement under SCRS, so as to provide the retirement eligibility requirements for class three members; to amend § 9-1-1515, as amended, relating to SCRS early retirement, so as to limit eligibility to class one and class two SCRS members; to amend §§ 9-1-1540, as amended, 9-1-1560, as amended, and 9-1-1570, relating to disability retirement under SCRS, so as to conform eligibility requirements for class three members, provide that eligibility determination for disability retirement applications received after December 31, 2013, must be based on the member qualifying for Social Security disability benefits, provide for the calculation of disability benefits, and conform the review for South Carolina Retirement System members on disability retirement of their disabled status to the new eligibility requirements; to amend § 9-1-1550, as amended, relating to the calculation of the SCRS retirement benefit, so as to provide the calculation for class three members; to amend §§ 9-1-1650 and 9-1-1660, both as amended, relating to return of contributions and eligibility for an annuity on termination before retirement, so as to confirm those provisions for class three members and to provide that the person named by an SCRS member to receive a return of the member's contributions on the member's death may elect to receive an annuity if the deceased member was eligible to retire at the time of death whether or not the member was in service; to amend § 9-1-1790, as amended, relating to return to covered employment by a retired SCRS member, so as to increase from fifteen to thirty days the break in service required for such a return to service without a suspension of

retirement benefits, to provide that after earning ten thousand dollars in a calendar year from a covered employer, the retirement allowance of the SCRS member is suspended for the remainder of the calendar year and to provide those members exempt from this limit; to amend § 9-1-2210, as amended, relating to the teacher and employee retention incentive program (TERI), so as to end TERI participation after June 30, 2018; to repeal §§ 9-1-1810 and 9-1-2210 relating respectively to annual adjustments in SCRS retirement allowances based on increases in the consumer price index and to the prospective repeal after June 30, 2018, of TERI; by adding § 9-9-5 so as to close the retirement system for members of the General Assembly of the State of South Carolina (SCGARS) to members of the General Assembly first elected at or after the 2012 general election and to provide that these persons instead of enrolling in SCGARS instead shall join SCRS or the state optional retirement program; to amend § 9-9-120, relating to transfer service and member contributions for SCGARS, so as to increase the member contributions from ten to eleven percent of earnable compensation; by adding §§ 9-11-312 and 9-11-225 so as to provide for annual increases in retirement allowances paid by the South Carolina Police Officers Retirement System (SCPORS) and to phase in increases in employer and employee contributions and provide for further contribution adjustments after the phase-in period; to amend § 9-11-10, as amended, relating to definitions for purposes of SCPORS, so as to add class three employees defined as individuals with an effective date of system membership after June 30, 2012, to add definitions applicable for the eligibility and calculation of benefits for class three members and to revise the reference to the governance of SCPORS; to amend § 9-11-50, as amended, relating to establishing service credit in SCPORS, so as to provide that payments for service credit must be actuarially neutral based on the member's current age and service credit subject to a statutory minimum payment and provide that additional service credit at retirement based on accrued unused sick leave applies only to class one and class two SCPORS members; to amend § 9-11-60, as amended, relating to eligibility for retirement for SCPORS members, so as to conform these requirements for class three members; to amend § 9-11-120, as amended, relating to the SCPORS pre-retirement and post-retirement death benefit, so as to conform post-retirement death benefit to class three requirements; to amend § 9-11-80, as amended, relating to disability retirement under the SCPORS, so as to conform eligibility requirements for class three members, provide that eligibility determination for disability retirement applications received after December 31, 2013, must be based on the member qualifying for Social Security disability benefits, provide for the calculation of disability benefits, and conform the review for South Carolina Police Officers Retirement System members on disability retirement of their disabled status, so as to conform this review to the new eligibility requirements; to amend § 9-11-90, as amended, relating to return to covered employment of a retired SCPORS member, so as to increase from fifteen to thirty days the break in service required for such a break in service without a suspension of retirement benefits, to provide that after earning ten thousand dollars in a calendar year from a covered employer, the retirement allowance of the SCPORS member is suspended for the remainder of the calendar year and to provide those members are exempt from this limit; to amend § 9-11-130, as amended, relating to return of contributions and eligibility for an annuity on termination before retirement, so as to conform these provisions for class three members and to provide that the person named by a SCPORS member to receive a return of the member's contributions on the member's death may elect to receive an annuity if the deceased member was eligible to retire at the time of death whether or not the member was in service; to amend §§ 9-11-210 and 9-11-220, both as amended, relating to contributions of SCPORS members, so as to conform to the revised contribution schedule; to repeal §§ 9-11-70, 9-11-75, and 9-11-310 relating respectively to early retirement, contributions, and annual adjustment in SCPORS retirement allowances based on increases in the Consumer Price Index; to repeal § 9-16-310 relating to the State Retirement Systems Investment Panel; to amend Chapter 4, Title 9, relating to retirement law, so as to establish the South Carolina Public Employee Benefit Authority (PEBA), provide for its membership and their compensation, devolve from the State Budget and Control Board to PEBA the administration of the Employee Insurance Program (EIP), administration of the retirement division, cotrusteeship of the State Retirement System, and the duties of the South Carolina Deferred Compensation Commission (SCDCC), to provide those actions of PEBA requiring approval by the State Budget and Control Board or its successor, to require PEBA to maintain a public transaction register, and to require an annual fiduciary audit of PEBA; to amend §§ 1-11-703, as amended, 1-11-710, as amended, 1-11-720, as amended, 1-11-725, 1-11-730, as amended, 1-11-740, 1-11-750, 1-11-770, 8-23-20, as amended, 8-23-30, as amended, 8-23-70, 8-23-110, 9-1-20, 9-1-210, 9-1-310, as amended, 9-1-1515, as amended, 9-1-1830, 9-2-10, Chapter 2 of Title 9, §§ 9-8-10, as amended, 9-8-30, 9-8-60, as amended, 9-9-10, as amended, 9-9-30, 9-10-10, 9-10-60, as amended, 9-11-30, as amended, 9-12-10, 9-16-10 and 9-16-55, both as amended, 9-18-10, 9-20-30, as amended, 9-21-20, as amended, 59-1-470, relating to various elements of the Employee Insurance Program, State Retirement System, and the South Carolina Deferred Compensation Commission, so as to conform these provisions to PEBA governance; to amend § 9-1-1310, as amended, relating to the trustee of the retirement system and investments allowed for the assets of the retirement system, so as to provide that PEBA and the State Budget and Control Board, or its successor, are cotrustees of the retirement system; to amend § 9-16-315, relating to the retirement system investment commission, so as to add a nonvoting ex officio member, revise the qualifications for appointment, and provide an annual salary for members; by adding § 9-16-380 so as to provide for an annual fiduciary audit of the retirement system investment commission; by adding § 9-16-335

so as to provide that the annual assumed rate of return on retirement system investments must be set by the General Assembly by law and to provide that the assumed rate of return effective July 1, 2012, is seven and one-half percent; to amend §§ 9-1-1135, 9-8-185, 9-9-175, and 9-11-265, relating to members accounts in the various contributory state retirement systems, so as to provide that interest is not paid on inactive accounts and to define "inactive accounts"; to amend § 22-1-15, relating to qualifications for magistrates, so as to provide an exemption for certain magistrates who retire and are subsequently reappointed to their office within one year, to provide for studies of legislative and statewide constitutional officers compensation, "spiking" in the calculation of average final compensation in SCRS and SCPORS, and disability retirement eligibility, to provide the agencies charged with conducting the studies and to provide for the completion date of these studies. See Act for Effective Date

## **Title 10 - Public Buildings and Property**

**Camping on State House Grounds.** Act 134 (R150, S. 1227) an act to amend the Code of Laws of South Carolina, 1976, by adding § 10-1-35 so as to prohibit camping, sleeping, or use of the State House grounds and all buildings located on the grounds for living accommodations purposes. March 29, 2012

## **Title 11 - Public Finance**

**Rural Infrastructure Authority.** Act 149 (R169, H. 4664) an act to amend § 11-50-50, Code of Laws of South Carolina, 1976, relating to the membership of the board of directors of the South Carolina Rural Infrastructure Authority, so as to further provide for the appointment of certain members of the governing board of the Authority; and by adding § 11-50-55 so as to provide that the Authority, by a majority vote of the board of directors, may hire a director for the Authority, so long as at least one of the gubernatorial appointees and at least three of the legislative appointees vote in favor of the hiring. Effective April 23, 2012

**Appropriation Bill.** Act 288 (R330, H. 4813) an act to make appropriations and to provide revenues to meet the ordinary expenses of state government for the fiscal year beginning July 1, 2012, to regulate the expenditure of such funds, and to further provide for the operation of state government during this fiscal year and for other purposes. See Act for Effective Date

## **Title 12 – Taxation**

**Internal Revenue Code.** Act 126 (R143, H. 3583) an act to amend § 12-6-40, as amended, Code of Laws of South Carolina, 1976, relating to the application of the Internal Revenue Code to state income tax laws, so as to update the reference to the Internal Revenue Code to the year 2011 and to provide that any Internal Revenue Code sections adopted by the state that expired on December 31, 2011, or January 1, 2012, that are extended by the federal government in 2012 are also extended for South Carolina income tax purposes; and to amend § 12-6-50, relating to Internal Revenue Code section specifically not adopted by this state, so as to make certain additions. March 13, 2012

**Department of Revenue.** Act 135 (R153, H. 3221) an act to amend the Code of Laws of South Carolina, 1976, by adding § 12-53-45 so as to require the South Carolina Department of Revenue to file electronically all documents relating to the enforced collection of taxes due this state with county clerks of court and registers of deeds in those counties which accept electronic filings. July 1, 2012

**Plug-in Hybrid Vehicles.** Act 161 (R185, H. 3059) an act to amend § 12-6-3376, Code of Laws of South Carolina, 1976, relating to the income tax credit for plug-in hybrid vehicles, so as to revise the definition of "plug-in hybrid vehicle", revise the method of allocating the credit, provide that certain information must be provided to the Department of Revenue in order to claim the credit, revise its expiration date, and provide that the credit must be allocated to eligible claimants during a fiscal year on a first-come, first-serve basis. See Act for Effective Date

**Assessment of undeveloped acreage subdivided into lots.** Act 179 (R207, H. 3934) an act to amend § 12-43-225, as amended, Code of Laws of South Carolina, 1976, relating to multiple lot discounts, so as to provide that application for the discounted rate only must be made in the first year, to provide that if application for the discounted rate is late, the assessor still shall grant the discount if all other requirements are met and a late application penalty is paid, and to provide an additional three years of eligibility in certain circumstances; to amend § 12-43-224, relating to the assessment of undeveloped acreage subdivided into lots, so as to provide that lots not receiving the discount on December 31, 2011, may not receive the discount;

to amend § 12-43-220, as amended, relating to qualifications for the special four percent assessment ratio, so as to require the taxpayer to certify that the taxpayer nor any member of the taxpayer's household claims to be a resident of another jurisdiction or claims the special four percent assessment ratio on another residence, and to provide for an apportionment of the special four percent assessment ratio in certain circumstances; and to amend § 12-37-3150, as amended, relating to assessable transfers of interest, so as to provide that a transfer of a fractional interest between family members for zero or de minimis consideration in certain circumstances is not an assessable transfer of interest. See Act for Effective Date

**County Tax Collectors.** Act 186 (R231, H. 3657) an act to amend the Code of Laws of South Carolina, 1976, by adding § 12-45-17 so as to provide minimum continuing education course requirements for county tax collectors and provide exceptions; by adding § 12-59-85 so as to allow a County Forfeited Land Commission to refuse to accept title to property when refusal is in the public interest; and to amend § 12-51-50, as amended, and § 12-51-70, relating to delinquent tax sales, so as to provide for the sales date and to increase from three hundred to five hundred dollars the damages for which a defaulting bidder is liable. Effective June 7, 2012

**Jobs Tax Credits Definitions.** Act 187 (R232, H. 3720) an act to amend § 12-6-3360, as amended, Code of Laws of South Carolina, 1976, relating to definitions of the jobs tax credit, so as to revise the requirements of a qualifying service-related facility and a technology intensive facility; to amend § 12-20-105, as amended, relating to tax credits for providing infrastructure, so as to increase the maximum aggregate credit to four hundred thousand dollars annually and to define site preparation costs; to amend § 12-44-30, as amended, relating to the definition of 'termination date' for purposes of fee in lieu of taxes, so as to provide that with respect to a fee agreement involving an enhanced investment, the termination date is the last day of a property tax year that is no later than the thirty-ninth year following the first property tax year in which the property is placed in service, and to allow for an extension; to amend §§ 4-12-30, 4-29-67, and 12-44-90, all as amended, relating to fee in lieu of taxes, so as to provide that a county auditor or county assessor may request and obtain any financial books and records from a sponsor that support the sponsor's tax form or return to verify the calculations of the fee in lieu of taxes tax form or return; and to amend § 12-36-2120, as amended, relating to sales tax exemptions, so as to exempt computers, computer equipment, computer hardware and software purchases for a datacenter and electricity used by a datacenter. Effective June 7, 2012

**Job Tax Credit.** Act 233 (R286, H. 3506) an act to amend § 12-14-80, as amended, Code of Laws of South Carolina, 1976, relating to the investment tax credit for manufacturing and productive equipment, so as to expand the credit to certain activities where the taxpayer commits to employing one thousand two hundred full-time employees in this state and commits to invest four hundred million dollars in capital investment in this state, to define terms, and to set forth the process by which a taxpayer qualifies for the credit and the process by which the amount of the credit is determined; and by adding § 12-54-87 so as to provide that for purposes of discounts allowed for timely filing of returns, if the Department of Revenue waives all penalties for late filing due to reasonable cause, the discount must be allowed. Effective June 18, 2012

**Sales and Use Tax Exemption.** Act 235 (R291, H. 3747) an act to amend § 12-36-2120, as amended, Code of Laws of South Carolina, 1976, relating to sales tax exemptions, so as to exempt injectable medications and injectable biologics so long as the medication or biologic is administered by or pursuant to the supervision of a physician in an office which is under the supervision of a physician, or in a center for Medicare or Medicaid services (CMS) certified kidney dialysis facility, and to define "biologics" for the purposes of the exemption. Effective June 18, 2012

**Continuing Resolution.** Act 287 (R328, H. 5418) a joint resolution to provide for the continuing authority to pay the expenses of state government if the 2012-2013 fiscal year begins without a General Appropriations Act for that year in effect, and to provide exceptions; and to amend § 12-6-545, as amended, Code of Laws of South Carolina, 1976, relating to income tax rates for pass-through trade and business income, so as to reduce the tax rate from five percent to three percent over three years. See Act for Effective Date

## Title 13 - Planning, Research and Development

**Research Authority.** Act 209 (R223, S. 1331) an act to amend the Code of Laws of South Carolina, 1976, by adding § 13-17-89 so as to provide that no provision in Chapter 17, Title 13 may be construed to authorize the South Carolina Research Authority to commit the credit and taxing power of the State, to provide a written notice requirement when the authority has certain relationships with a nonprofit entity that establishes a for-profit entity, and to provide that a failure to provide this notice may not be construed to indicate the authority may pledge the credit and taxing power of the State; to amend § 13-17-40, as amended,

relating to the membership and terms of the board of trustees and executive committee of the authority, so as to provide for the election of two additional trustees, to permit a university president who is an ex officio member of the board to designate the chief research officer of his university to participate and vote in no more than two meetings of the executive committee each year, to provide for members' terms, filling of vacancies, and removal of executive committee members, and to allow the Chairman of the House Ways and Means committee and the Chairman of the Senate Finance Committee, or their designee, to serve on the board, and to delete archaic references; to amend § 13-17-70, as amended, relating to the powers of the board of trustees of the authority, so as to provide the board may provide guarantees as security for certain obligations; to amend § 13-17-87, as amended, relating to costs associated with innovation centers established by the authority, so as to make certain financing optional rather than mandatory, to expand the sources of funding available for financing these costs, and to prohibit the use of a pledge of credit and taxing power of the state or a political subdivision of the state to finance these costs; and to amend § 8-13-770, as amended, relating to members of the General Assembly serving on boards, so as to make conforming changes. June 7, 2012

## Title 14 – Courts

**Jury Commissioners.** Act 200 (R257, H. 4758) an act to amend § 14-7-110 and § 14-7-140, as amended, Code of Laws of South Carolina, 1976, relating to jury commissioners for the purpose of the summoning of jurors in circuit court and the use of a computer for the drawing and summoning of jurors in circuit court, respectively, both so as to delete references to jury commissioners and allow the clerk of court or the deputy clerk to perform the function of drawing and summoning jurors. Effective June 7, 2012

**Increase in Number of At-Large Circuit Court Judges.** Act 241 (R303, H. 4699) an act to amend § 14-5-610, as amended, Code of Laws of South Carolina, 1976, relating to the division of the state into sixteen judicial circuits and additional at-large circuit judges, so as to increase the number of at-large circuit court judges from thirteen to sixteen; and to amend § 63-3-40, relating to family court judges elected from each judicial circuit, so as to add six additional family court judges who shall be at large and must be elected without regard to their county or circuit of residence. June 18, 2012

**Revision to the Composition of Judicial Council.** Act 244 (R271, S. 1055) an act to amend § 14-27-20, as amended, Code of Laws of South Carolina, 1976, relating to the composition of the Judicial Council, so as to provide for two additional members of the Council, the Chief Judge of the South Carolina Court of Appeals and a person recommended by the Charleston School of Law, to change the person serving from the South Carolina Bar from the president of the South Carolina Bar to one person recommended by the South Carolina Bar, and to add a municipal court judge as a member in lieu of one of the two magistrate court judges; to amend § 14-27-30, as amended, relating to members appointed by the Chief Justice, so as to provide for the appointment of two summary court judges in lieu of two magistrate court judges, and to provide for the appointment of one person recommended by the Charleston School of Law; and to amend § 14-27-40, as amended, relating to the terms of service, so as to provide that the chief judge serves during the term of his office, the person recommended by the South Carolina Bar and appointed by the Chief Justice serves coterminous with the term of the president of the South Carolina Bar who recommended his appointment, and the person recommended by the Charleston School of Law serves for a four-year term. June 18, 2012

## Title 15 - Civil Remedies and Procedures

**Retirement Account.** Act 153 (R173, S. 271) an act to amend § 15-41-30, as amended, Code of Laws of South Carolina, 1976, relating to an individual retirement account being exempt from attachment, levy, and sale, so as to delete the provision that the exemption only applies to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, and to provide that the interest of an individual is exempt from creditor process in certain circumstances. Effective May 14, 2012

## Title 16 - Crimes and Offenses

**Timber.** Act 225 (R262, S. 168) an act to amend § 16-11-580, as amended, Code of Laws of South Carolina, 1976, relating to penalties for cutting, removing, or transporting forest products without the consent of the landowner, so as to revise the penalties and provide graduated penalties for first and second or subsequent offenses based on the value of the forest products. Effective July 1, 2012

**Criminal Sexual Conduct in Third Degree.** Act 255 (R288, H. 3667) an act to amend § 16-3-655, as amended, Code of Laws of South Carolina, 1976, relating to criminal sexual conduct with a minor offenses, so as to create the offense of criminal sexual conduct in the third degree when the actor is over the age of fourteen and commits certain acts with a child under the age of sixteen, to provide an exception for certain consensual conduct, and to provide a penalty; to amend § 16-1-60, as amended, relating to violent crimes, to amend § 17-22-90, as amended, relating to agreements required of offenders in pretrial intervention programs, to amend § 19-11-30, as amended, relating to the competency of the husband or wife of a party as a witness, to amend § 23-3-430, as amended, relating to the sex offender registry, to amend § 23-3-490, as amended, relating to public inspection of the sex offender registry, to amend § 23-3-540, as amended, relating to electronic monitoring of persons convicted of certain criminal sexual conduct with a minor offenses, to amend § 24-3-20, as amended, relating to custody of persons convicted of certain crimes, to amend § 24-13-710, as amended, relating to the supervised furlough program, to amend § 24-19-10, as amended, relating to definitions for purposes of correction and treatment of youthful offenders, to amend § 44-48-30, as amended, relating to definitions for purposes of the sexually violent predator act, to amend § 44-53-370, as amended, relating to penalties for certain drug offenses, and to amend § 63-7-2360, relating to placement of minor sex offenders pursuant to the Children's Code, all so as to make conforming amendments to reference appropriate criminal sexual conduct with a minor offenses and to delete references to the former lewd act upon a child under the age of sixteen; and to repeal § 16-15-140 relating to committing or attempting to commit a lewd act upon a child under the age of sixteen. Effective June 18, 2012

**Human Trafficking.** Act 258 (R292, H. 3757) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 19 to Chapter 3, Title 16 so as to define necessary terms; to provide for certain trafficking in persons offenses, provide penalties, and provide for state grand jury prosecution under certain circumstances; to provide for criminal liability of business entities; to provide restitution for victims of trafficking in persons offenses; to establish an interagency task force to develop and implement a plan for the prevention of trafficking in persons; to allow civil actions by victims of trafficking in persons; to provide certain protections for victims of trafficking in persons pursuant to the Victims' Bill Of Rights and other relevant statutory provisions; to create the offense of maliciously or with criminal negligence publishing, disseminating, or otherwise disclosing the location of a trafficking in persons victim, a trafficking shelter, or a domestic violence shelter and to provide a penalty; and to provide for the forfeiture of monies and property used in violation of a trafficking in persons offense; and to repeal § 16-3-930 relating to trafficking in persons for forced labor or services. Effective December 18, 2012

## Title 17 - Criminal Procedures

**Bond Appearance.** Act 115 (R122, H. 3895) an act to amend § 17-15-20, Code of Laws of South Carolina, 1976, relating to appearance bonds, so as to provide that an appearance bond is valid for a certain time period in circuit and magistrates or municipal courts under certain circumstances and to provide a procedure to relieve the surety of liability when the time period has run. Effective February 1, 2012

**Autopsy.** Act 128 (R145, H. 3750) an act to amend § 17-5-530, Code of Laws of South Carolina, 1976, relating to a coroner's duties when a person dies, including where and by whom an autopsy may be performed if a person dies in a health care facility within twenty-four hours of entering the facility or within twenty-four hours of undergoing an invasive surgical procedure, so as to provide that unless the coroner certifies that there is no reasonable alternative, the autopsy must not be performed at the health care facility where the death occurred or by a physician who treated the patient or who was employed by the health care facility where the death occurred; and to amend § 43-35-520, as amended, relating to investigations of deaths in facilities operated by the Department of Mental Health or the Department of Disabilities and Special Needs, so as to provide that if the coroner rules a death resulted from natural causes in a veterans' nursing home under the Department of Mental Health, the State Law Enforcement Division is not required to conduct an investigation of the death. Effective March 13, 2012

**Qualifications Required for Candidates for Coroner.** Act 205 (R214, S. 1014) an act to amend § 17-5-130, as amended, Code of Laws of South Carolina, 1976, relating to qualifications required for candidates for coroner, so as to eliminate two years experience as a licensed private detective as a qualification for the ballot and add as qualifications being a medical doctor or holding a bachelor of science degree in nursing, to replace on the Coroners Training Advisory Committee the Director of the Department of Public Safety with the Director of the South Carolina Criminal Justice Academy, and to provide that the committee shall determine those forensic science degree and certification programs that qualify as "recognized" for purposes of the training requirements required for candidates for coroner. Effective June 11, 2012

**Bond Reconsideration.** Act 286 (R329, S. 45) an act to amend § 17-15-30, as amended, Code of Laws of South Carolina, 1976, relating to matters to be considered by the court when determining release of a person on bond, so as to delete references to specific law enforcement entities and insert arresting law enforcement agency as appropriate to provide the court with necessary information; by adding § 17-15-55 so as to provide that the circuit court may consider motions regarding reconsideration of bond for general sessions offenses set by a summary court judge, to provide that further defense motions to reconsider bond may be heard by the circuit court only upon the defendant's prima facie showing of a material change in circumstances, to provide that motions by the state to revoke or modify a defendant's bond must be made in writing, state with particularity the grounds for revocation or modification, and set forth the relief or order sought, and to provide that, if the state's motion to revoke or modify bond includes a prima facie showing of imminent danger to the community, or imminent danger to the defendant, or flight by the defendant, the chief judge or presiding judge shall conduct or order an emergency hearing within forty-eight hours; to amend § 17-15-10, relating to release of a person charged with a noncapital offense on his own recognizance or on bond, so as to allow a person charged with burglary in the first degree to have his bond hearing in summary court unless the solicitor objects; to provide that the provisions of Act 115 of 2012 which amended § 17-15-20 of the 1976 Code are retroactive; and to amend § 38-53-50, as amended, relating to bail bondsmen or sureties relieved of bond under certain circumstances, so as to provide that once the required affidavit is filed the surety is relieved of liability on the bond unless otherwise ordered by the circuit court within a certain period of time. Effective June 29, 2012

## Title 18 – Appeals

## Title 19 – Evidence

## Title 20 - Domestic Relations

**Divorce; Alimony.** Act 260 (R304, H. 4738) an act to amend § 20-3-170, Code of Laws of South Carolina, 1976, relating to the modification, confirmation, or termination of alimony due to changed circumstances, including change in financial ability, so as to provide that upon the motion of a party, retirement by a supporting spouse is sufficient grounds for a hearing to determine whether retirement constitutes a change in circumstances and to provide factors the court shall consider in making such a determination. Effective June 18, 2012

## Title 21 - Estates, Trusts, Guardians and Fiduciaries

## Title 22 - Magistrates and Constables

**Transfer of Criminal Cases to Magistrate Court.** Act 169 (R193, H. 4463) an act to amend § 22-3-545, Code of Laws of South Carolina, 1976, relating to the transfer of certain criminal cases from general sessions court to magistrates or municipal court, so as to clarify the types of cases that may be transferred includes criminal cases originally charged and those in which the charges are pursuant to a plea agreement, to allow defendants to waive certain rights, and to delete provisions which required the approval of the chief judge for administrative purposes for the general sessions court regarding terms of court of the magistrates and municipal courts for the disposition of transferred cases. Effective May 14, 2012

**County Jury Areas.** Act 201 (R260, H. 5287) an act to amend § 22-2-190, as amended, Code of Laws of South Carolina, 1976, relating to county jury areas, so as to provide for jury areas in Richland County and to provide for one jury area countywide for the Richland County magistrates centralized court and to provide for jury areas in York County and to provide for one jury area countywide for the York County centralized DUI court. Effective July 1, 2012

## Title 23 - Law Enforcement and Public Safety

**Modular Homes.** Act 108 (R115, H. 3301) an act to amend § 23-43-85, Code of Laws of South Carolina, 1976, relating to standards for placement of modular homes, so as to provide circumstances in which a modular home used as a display model may be placed for its first residential use. February 1, 2012

**Blue Alert Program.** Act 124 (R134, H. 4636) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 16 to Chapter 3, Title 23 so as to establish the Blue Alert Program that is designed to apprehend a suspect that allegedly kills, seriously injures, or abducts a law enforcement officer by rapidly disseminating information regarding the suspect. Effective February 27, 2012

**Purchase of Rifles or Shotguns in Contiguous States.** Act 285 (R327, H. 4494) an act to amend § 23-31-10, Code of Laws of South Carolina, 1976, relating to the purchase of rifles or shotguns in contiguous states, so as to remove the requirement that the purchase be made from a contiguous state; and to repeal Article 3, Chapter 31, Title 23 relating to the regulation of pistols. Effective June 29, 2012

## Title 24 - Corrections, Jails, Probations, Paroles and Pardons

**Department of Probation, Parole, and Pardon Services.** Act 223 (R251, S. 1329) an act to amend § 24-21-10, as amended, Code of Laws of South Carolina, 1976, relating to the appointment of the Director of the Department of Probation, Parole and Pardon Services, and the members of the Board of Probation, Parole and Pardon Services, so as to provide that the member of the board who is appointed on an at-large basis must be selected from one of the congressional districts and at least one appointee shall possess the qualifications that the at-large appointee formerly met. Effective June 7, 2012

**Inmates.** Act 234 (R287, H. 3527) an act to amend the Code of Laws of South Carolina, 1976, by adding § 24-3-970 so as to provide that it is unlawful for an inmate incarcerated in a State Department of Corrections facility, or a person acting on behalf of or enabling such an inmate, to use an internet-based social networking website to harass, intimidate, or contact a crime victim and to provide penalties. Effective June 18, 2012

## Title 25 - Military, Civil Defense and Veterans Affairs

**Retirement of Members of the S.C. National Guard.** Act 154 (R174, S. 872) an act to amend § 25-1-590, Code of Laws of South Carolina, 1976, relating to the retirement of members of the South Carolina National Guard, so as to extend the retirement honorary promotion provisions to honorably discharged service members who are removed from the National Guard due to medical conditions, and to provide that the expanded honorary promotion eligibility described above is to be applied retroactively. See Act for Effective Date

**Military Service, Duty, Training or Disaster Relief.** Act 165 (R189, H. 3558) an act to amend the Code of Laws of South Carolina, 1976, by adding § 25-1-2270 so as to require all state institutions of higher education to allow students to complete assignments or take make-up examinations when an absence is caused by attending or participating in military service, duty, training, or disaster relief efforts. Effective May 14, 2012

**Unclaimed Remains of a Veteran.** Act 166 (R190, H. 3921) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 12 to Title 25 so as to provide for the manner in which and conditions under which the unclaimed cremated remains of a veteran may be interred without liability to the funeral home, funeral establishment, mortuary, or any manager thereof or a veterans' service organization involved in the interment. Effective May 14, 2012

## Title 26 - Notaries Public and Acknowledgements

## Title 27 - Property and Conveyances

**Transfer Fee Covenants.** Act 106 (R113, H. 3095) an act to amend the Code of Laws of South Carolina, 1976, by adding § 27-1-70 so as to prohibit real property transfer fee covenants, and to provide related definitions and policy findings. Effective February 1, 2012

## Title 28 - Eminent Domain

## Title 29 - Mortgages and Other Liens

## Title 30 - Public Records

## Title 31 - Housing and Redevelopment

**Community Land Trust Act.** Act 256 (R289, H. 3676) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 23 to Title 31 so as to enact the "South Carolina Community Land Trust Act of 2012", to define terms, make findings, to provide that the purpose of a community land trust is to hold legal and equitable title to land to then lease the land to promote affordability, to provide the manner in which community land trusts are funded, and to provide the process by which community land trusts operate. Effective June 18, 2012

**Tax Increment Financing Law.** Act 267 (R275, S. 1167) an act to amend the Code of Laws of South Carolina, 1976, by adding § 31-6-85 so as to allow a municipality and one or more taxing districts to provide by intergovernmental agreement for partial or modified participation in a redevelopment project; to amend § 31-6-80, relating to approval of a redevelopment plan for purposes of the Tax Increment Financing Law, so as to clarify an amendment to the Tax Increment Financing Law; and to amend § 4-10-310, as amended, relating to the imposition of the Capital Projects Sales Tax Act, so as to provide that the limitation applicable to the number of certain local sales and use taxes that may be imposed in a county area does not apply in a county area in which, as of July 1, 2012, there was imposed pursuant to a local act of the General Assembly a local sales and use tax, the revenues of which must be used to offset the costs of school construction, other school purposes, or other governmental expenses, or any combination of these uses. Effective June 20, 2012

## Title 32 - Contracts and Agents

**Cremation.** Act 138 (R156, H. 3393) an act to amend § 32-8-320, as amended, Code of Laws of South Carolina, 1976, relating to persons who may serve as a decedent's agent to authorize cremation, so as to further provide for those persons who in order of priority may authorize cremation, and to provide that a funeral home receiving a decedent's body for cremation may rely on a cremation authorization executed at another funeral home handling the funeral arrangements. Effective April 2, 2012

**Preneed Funeral Contract Licenses.** Act 261 (R305, H. 4763) an act to amend § 32-7-10, Code of Laws of South Carolina, 1976, relating to definitions in regard to preneed funeral contracts, so as to add certain definitions and revise other definitions; to amend § 32-7-35, relating to the transfer of preneed funeral contracts, so as to further provide for the requirements for the transfer of contracts "at preneed" and "at need"; to amend § 32-7-50, as amended, relating to preneed funeral contract licenses, so as to further provide for the amount of application and application renewal license fees, for the term of the license and for the use of license renewal fees; to amend § 32-7-60, as amended, relating to the Preneed Funeral Loss Reimbursement Fund, so as to delete the limitation on the maximum amount of the fund; and to amend § 32-7-100, as amended, relating to unlawful violations of law pertaining to preneed funeral contracts, so as to further provide for the penalties for violations based on the amount of money obtained or sought to be obtained with certain offenses declared to be misdemeanors and certain offenses declared to be felonies, and to provide for other authorized actions for violations of this chapter. Effective June 18, 2012

## Title 33 - Corporations, Partnerships and Associations

**Nonprofit Corporation that Provides Water Service.** Act 168 (R192, H. 4205) an act to amend Article 8, Chapter 36, Title 33, Code of Laws of South Carolina, 1976, relating to not-for-profit corporations providing water service financed by federal or state loans being permitted to convert to a public service district, by adding § 33-36-1315, so as to provide for additional conversion provisions, terms, and limitations for not-for-profit corporations of a certain size that provide water service in two or more counties; and to amend § 33-36-1330, relating to the governing board and structure of a corporation which has been converted to a public service district, so as to provide for the governing structure of a public service district of a certain size that provides service in two or more counties. Effective May 14, 2012

**Benefit Corporation Act.** Act 277 (R306, H. 4766) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 38 to Title 33 so as to enact the "South Carolina Benefit Corporation Act" which permits a corporation to elect as a corporate purpose the providing of certain public benefits without

subjecting the corporation or its directors to liability or derivative suit except for specified reasons. Effective June 14, 2012

## Title 34 - Banking, Financial Institutions and Money

**Banks: Total Liabilities and Derivative Transactions Defined.** Act 211 (R225, S. 1392) an act to amend § 34-13-50, as amended, Code of Laws of South Carolina, 1976, relating to the total liabilities of any one borrower to a bank, so as to define "total liabilities" which shall include "derivative transactions" and to also define "derivative transactions" for this purpose; and to amend § 34-13-70, relating to the maximum amount of loans by a state bank to a borrower, so as to define "loan" which shall include "derivative transactions", and to also define "derivative transactions" for this purpose. June 7, 2012

## Title 35 – Securities

**Cease and Desist Orders Issued by Securities Commission.** Act 251 (R279, S. 1354) an act to amend § 35-1-604, Code of Laws of South Carolina, 1976, relating to securities violations, to require a copy of all final cease and desist orders issued by the Securities Commissioner be forwarded to the Department of Revenue and Secretary of State, and to provide that all cease and desist orders issued by the commissioner are public documents subject to the Freedom of Information Act, and to require publication of all such order on the Attorney General's website. See Act for Effective Date

## Title 36 - Commercial Code

## Title 37 - Consumer Protection Code

## Title 38 – Insurance

**Insurance.** Act 137 (R155, H. 3333) an act to amend § 38-1-20, as amended, Code of Laws of South Carolina, 1976, relating to definitions used in Title 38 relating to the Department of Insurance, so as to amend the definition of "admitted assets"; to amend § 38-9-10, relating to cash or marketable securities that must comprise initial capital and surplus required of stock insurers, so as to provide the cash and marketable securities must qualify as admitted assets on the most recent statutory financial statement of the insurer filed with the Department of Insurance; to amend § 38-9-20, relating to cash or marketable securities that must comprise initial capital and surplus required of mutual insurers, so as to provide the cash and marketable securities must qualify as admitted assets on the most recent statutory financial statement of the insurer filed with the Department of Insurance; to amend § 38-9-210, relating to the reduction from liability for the reinsurance ceded by a domestic insurer, so as to change the securities listed that qualify as security to those that qualify as admitted assets on the most recent financial statement filed by the assuming insurer; to amend § 38-10-40, relating to the protected cell assets, so as to change a code reference; to amend § 38-33-130, relating to stop-loss coverage required of a health maintenance organization, so as to delete certain requirements of related optional conversion policies; to amend § 38-55-80, relating to loans by an insurer to its directors or officers, so as to change a code reference; to amend § 38-41-10, relating to the definition of a multiple employer self-insured health plan, so as to provide an abbreviation of the term and make technical changes; to amend § 38-41-50, relating to excess stop-loss coverage of multiple employer self-insured health plans, so as to provide a plan must maintain excess coverage written by an insurer considered approved or eligible to do business in this state by the department, the coverage must have a net retention level in compliance with sound actuarial principles, to provide the plan must file its policy contract with the department, and the policy contract must include specific terms relating to its cancellation and modification; and to amend § 38-41-80, relating to record keeping requirements of a multiple employer self-insured health plan, so as to provide a plan is subject to certain financial examination. Effective April 2, 2012

**Requirements for Conducting a Prescribed Fire.** Act 139 (R157, H. 3631) an act to amend § 48-34-40, Code of Laws of South Carolina, 1976, relating to the requirements for conducting a prescribed fire, so as provide that these fires must comply with South Carolina Smoke Management Guidelines; to further specify responsibilities of a certified prescribed fire manager; and to exempt purposefully set prescribed fires that comply with smoke management guidelines and statutory requirements if they are set for certain management practices, agricultural purposes, or game management purposes; to amend § 48-34-50, relating to immunity from liability for damages caused by a prescribed fire, except for resulting smoke, so as to provide that a property owner, lessee, agent, or employee is not liable for damages, injury, or loss caused by the resulting smoke of a prescribed fire unless gross negligence or recklessness is proven; and to provide

that "Smoke Management Guidelines for Vegetative Debris Burning for Forestry, Agriculture, and Wildlife Purposes in the State of South Carolina" is deemed to be promulgated by the State Forestry Commission and any amendment to these guidelines must be promulgated by the Commission. Effective April 2, 2012

**Portable Electronics Insurance Act.** Act 172 (R196, H. 4787) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 97 to Title 38 so as to enact the "Portable Electronics Insurance Act", to provide certain definitions related to portable electronics insurance, to provide requirements relating to the sale of portable electronics insurance, to provide requirements concerning the modification or termination of electronics insurance, to provide licensure requirements and procedures, and to provide the director of the Department of Insurance may take certain measures to protect the public and implement the provisions of this chapter. Effective January 1, 2013

**Accident and Health Insurance.** Act 202 (R211, S. 102) an act to amend the Code of Laws of South Carolina, 1976, by adding § 38-71-238 so as to prohibit qualified health plans offered through a health care exchange required by the federal "Patient Protection and Affordable Care Act" from offering abortion coverage, and to provide for certain exceptions. Effective June 7, 2012

**Closing or Settlement Insurance.** Act 217 (R222, S. 1319) an act to amend the Code of Laws of South Carolina, 1976, by adding § 38-75-1010 so as to provide that a title insurer may issue closing or settlement insurance, to provide for loss against which this insurance may indemnify an insured, and to provide that a premium charged pursuant to this section must be approved by the Department and must not be subject to any agreement requiring a division of fees or premiums collected on behalf of the title insurer. Effective June 11, 2012

**Motor Vehicle Glass Repair Business.** Act 236 (R295, H. 4042) an act to amend the Code of Laws of South Carolina, 1976, by adding § 38-57-75 so as to provide for procedures that must be followed when an insured has suffered damage to vehicle glass, to prohibit an insurer from requiring vehicle glass repair work to be done by a particular provider, to provide certain disclosures, and to provide procedures when an insured chooses a provider who is not a member of the insurer's or third party administrator's preferred provider list, to provide that a vehicle glass repair or replacement facility is prohibited from threatening an insurer to file a claim or from engaging in an otherwise unfair or deceptive practice, to provide exceptions, and to provide that violations of this section are subject the provisions of the South Carolina Insurance Unfair Claim Practices Act; and by adding § 39-5-180 so as to provide that it is unlawful for a person who sells, repairs, or replaces vehicle glass to submit false claims or make other material misrepresentations, among other things, regarding vehicle glass repairs. See Act for Effective Date

**Health Care Financial Recovery and Protection Act.** Act 243 (R270, S. 1044) an act to amend § 38-59-250, Code of Laws of South Carolina, 1976, relating to notice requirements for the initiation of overpayment recovery efforts pursuant to the South Carolina Health Care Financial Recovery and Protection Act, so as to add requirements concerning an appeal. September 18, 2012

**Pharmacy Audit Rights.** Act 250 (R278, S. 1269) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 18 to Chapter 71, Title 38 so as to provide the rights of a pharmacy when undergoing an audit conducted by a managed care company, insurance company, third-party payer, or an entity responsible for payment of claims for health care services; to require the auditing entity to establish an appeals process; to provide for the recoupment of funds under certain circumstances; and to exempt specific audits, reviews, and investigations. Effective January 1, 2013

**Uninsured Motorist Fund.** Act 264 (R310, H. 4888) an act to amend § 38-73-470, as amended, Code of Laws of South Carolina, 1976, relating to the disposition of the Uninsured Motorist fund, so as to provide that the portion of the fund that was formerly paid to the Department of Public Safety must be paid to the Department of Motor Vehicles; to amend § 56-1-286, as amended, relating to the suspension of a driver's license or permit of certain persons who drive a motor vehicle with an unlawful alcohol concentration, so as to make technical changes, and to provide that the portion of the fee to obtain a temporary alcohol license that was formerly retained by the Department of Public Safety must be distributed to the Department of Motor Vehicles; to amend § 56-3-3910, relating to the issuance of "shag" special license plates, so as to revise the biennial period in which the license plate must be issued or revalidated; to amend § 56-3-5200, relating to "South Carolina: First in Golf" special license plates, so as to make a technical change; to amend § 56-5-2951, as amended, relating to the suspension of a driver's license when a driver refuses to submit to tests to determine his level of alcohol concentration, so as to make a technical change; to amend § 56-10-552, relating to the Uninsured Enforcement Fund, so as to provide that this fund which was formerly directed to the director of the Department of Public Safety must now be directed to the director of the Department of Motor Vehicles and used by both the Department of Motor Vehicles and the Department of Public Safety; to

amend § 56-15-420, relating to the promulgation of certain regulations by the Department of Public Safety, so as to provide that these regulations now shall be promulgated by the Department of Motor Vehicles; to amend § 56-19-240, as amended, relating to the application for a certificate of title and its contents, so as to provide that the owner of a bona fide leasing company is not required to supply a South Carolina physical address of its business operations on its application for a certificate of title and to provide that vehicles that are purchased for primary operation in another state or a foreign jurisdiction cannot be titled and registered in this state; to provide for the reversal of certain convictions for controlled substance violations pursuant to former § 56-1-745; to amend § 56-2-100, relating to conditions governing the operation of low speed vehicles, so as to provide that a low speed vehicle may be operated on any highway for which the posted speed limit is thirty-five miles an hour or less; to repeal Article 60, Chapter 3, Title 56 relating to the issuance of "Shriners" special license plates; by adding § 56-19-495 so as to provide that the Department of Motor Vehicles shall convene a working group for the purpose of assisting in the development of a process to be used for the titling of certain vehicles. Effective June 18, 2012

**Insurance Premium Tax.** Act 271 (R296, H. 4082) an act to amend § 38-7-20, as amended, Code of Laws of South Carolina, 1976, relating to the imposition of the insurance premium tax, so as to provide that beginning July 1, 2013, through June 30, 2017, 2.25 percent of the annual revenue of this tax must be transferred to the South Carolina forestry commission and used by it for firefighting and firefighting equipment replacement. Effective July 1, 2013

**Licenses for Adjusters.** Act 281 (R315, S. 1229) an act to amend § 38-47-10, Code of Laws of South Carolina, 1976, relating to licensure of insurance adjusters, so as to provide specific exemptions from licensure, to define terms, and to provide an adjuster licensed under this chapter must review the denial of a claim contested by an insured. Effective June 26, 2012

**Insurance Brokers and Surplus Lines Insurance.** Act 283 (R325, S. 1419) an act to amend Chapter 45, Title 38, Code of Laws of South Carolina, 1976, relating to insurance brokers and surplus lines insurance, so as to define terms, to provide that the revenue collected from the broker's premium tax rate must be credited to a special earmarked fund, to provide the manner in which the fund may be used and disbursed, to authorize the director of the Department of Insurance to conduct examinations of broker records, to allow the Department of Insurance to promulgate regulations necessary to implement the chapter, to provide the manner in which the nonadmitted and reinsurance reform act of 2010 may be implemented; and to amend § 38-7-160, relating to municipal license fees and taxes, so as to disallow a municipality from charging an additional license fee or tax based upon a percentage of premiums for purposes of surplus lines insurance. Effective January 1, 2012

## Title 39 - Trade and Commerce

**Definitions Regarding Adulterated or Misbranded Food and Cosmetics.** Act 118 (R125, H. 4005) an act to amend § 39-25-20, Code of Laws of South Carolina, 1976, relating to terms and their definitions regarding adulterated or misbranded food and cosmetics, so as to provide a definition for the term "honey", to provide standards for the processing and packaging of honey for sale, to exempt certain beekeepers from certain inspections and regulations relating to the processing extraction, and packaging of honey, and to provide labeling requirements for honey. Effective February 1, 2012

**Automobile Club.** Act 127 (R144, H. 3711) an act to amend § 39-61-20, Code of Laws of South Carolina, 1976, relating to definitions of the South Carolina Motor Club Act, so as to provide that an entity that contracts with an automobile club licensed under the Motor Club Services Act for the provisions of emergency road service and towing service to the entity's customers is not included in the definition of motor club. March 13, 2012

**Sale of Petroleum Products and Diesel Fuel.** Act 185 (R230, H. 3478) an act to amend § 39-41-235, Code of Laws of South Carolina, 1976, relating to petroleum products and diesel fuel suitable for blending, sale of unblended products without necessary additives, recordkeeping and registration, enforcement, wholesaler responsibility, liability, and notice, so as to provide that these requirements apply to every terminal operator, supplier, permissive supplier, refiner, or any other person or entity involved in the bulk transfer of motor fuel, to provide those circumstances when civil and criminal penalties for violations do not apply because of specified hindrances to compliance, and to provide those circumstances limiting the liability of a refiner, supplier, wholesaler, or retailer for the dispensing of incompatible motor fuel at a retail site. Effective June 7, 2012

## Title 40 - Professions and Occupations

**Temporary License for a Profession Issued to Spouses of Armed Forces.** Act 274 (R318, H. 3710) an act to amend the Code of Laws of South Carolina, 1976, by adding § 40-1-77 so as to provide a board or commission that regulates the licensure of a profession or occupation under Title 40 may issue a temporary license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces in certain circumstances, to provide requirements for obtaining this license, to provide time limits on the validity of this license, and to provide the license may not be renewed. Effective June 26, 2012

**Architects and Engineers Volunteer Act.** Act 280 (R314, S. 1137) an act to amend the Code of Laws of South Carolina, 1976, by adding §§ 40-3-325 and 40-22-295 so as to enact the "Architects' and Engineers' Volunteer Act" which provides specified immunity for a registered architect or engineer who provides certain voluntary architectural or engineering services at the scene of a declared state or national emergency at the request of the Governor, to provide exceptions to this immunity, and to provide the conditions and circumstances under which this grant of immunity is applicable. Effective June 26, 2012

## Title 41 - Labor and Employment

**Benji's Law.** Act 129 (R136, S. 929) an act to amend the Code of Laws of South Carolina, 1976, by adding § 41-18-170 to enact "Benji's law" so as to specify permit requirements for miniature trains operated for the use of the public as an amusement device in an amusement park. Effective March 13, 2012

**Labor organization to File Certain Information with LLR.** Act 197 (R254, H. 4652) an act to amend § 41-7-10, Code of Laws of South Carolina, 1976, relating to public policy concerning the right to work, so as to clarify archaic language in the policy; to amend § 41-7-80, relating to penalties for a violation of right-to-work laws, so as to provide a range for an applicable fine from one thousand dollars to a maximum of ten thousand dollars; to amend § 41-7-90, relating to court remedies available to a person for a violation of his right to work, so as to permit treble damages, require a person seeking this relief to contemporaneously provide the Department of Labor, Licensing and Regulation with the basis for the lawsuit, and to provide an exception; to amend § 41-7-100, relating to civil penalties the Department may assess for a violation and related appeals, so as to provide a civil penalty may not exceed ten thousand dollars; by adding § 41-7-110 so as to provide an employer or an employee with permission may conspicuously post certain notice concerning the rights of an employee; and by adding § 41-7-130 so as to require certain reports to be filed with the Department of Labor, Licensing and Regulation. See Act for Effective Date

**Unemployment Benefits.** Act 247 (R274, S. 1125) an act to amend § 41-35-120, as amended, Code of Laws of South Carolina, 1976, relating to disqualifications from unemployment benefits, so as to provide discharge for misconduct as a basis for disqualification, to subject a person discharged for misconduct to a period of ineligibility for benefits and a subsequent period of reduced benefits, to delete obsolete provisions related to discharge for cause, to subject a person discharged for cause other than misconduct to a period of ineligibility for benefits and a subsequent period of reduced benefits, and to provide discharge for certain substandard performance is not a basis for disqualification from benefits under this section; to amend § 41-35-130, as amended, relating to benefit payments not chargeable to a former employer, so as provide a benefit paid to a claimant may not be charged to an employer who is subject to the payment of contributions if the claimant was discharged by his most recent bona fide employer for misconduct of claimant connected to his employment, and to define terminology; and to amend § 41-41-40, as amended, relating to recovery of benefits by a person not entitled to benefits, so as to provide upon determination by the Department of a fraudulent overpayment, the employer whose account was debited for the overpayment must be credited the amount of the overpayment, subject to certain exceptions. Effective June 18, 2012

**Unemployment Benefits.** Act 262 (R307, H. 4786) an act to amend § 41-35-20, Code of Laws of South Carolina, 1976, relating to the payment of unemployment benefits based on certain services in schools or institutions of higher education, so as to include services provided by substitute teachers under certain circumstances. Effective June 18, 2012

**Remedies for Employees Alleging Discrimination.** Act 282 (R324, S. 1340) an act to amend § 41-15-520, as amended, Code of Laws of South Carolina, 1976, relating to remedies of an employee alleging discrimination, so as to provide procedures the director of the Department of Labor, Licensing and Regulation shall follow upon receipt of a complaint alleging discrimination. Effective June 29, 2012

## Title 42 - Workers' Compensation

**Workers' Compensation Policies.** Act 183 (R228, H. 3111) an act to amend § 42-15-90, Code of Laws of South Carolina, 1976, relating to the mandatory approval of certain attorney and physician fees by the Workers' Compensation Commission, so as to provide for the adoption and adjustment of fee schedules by the Commission, to provide for the adjustment of proposed fee schedules by the Commission, and to provide for an appeal process from a decision of the Commission concerning a fee schedule; and to amend § 1-23-600, as amended, relating to enumerated exceptions from contested cases from Departments of the Executive Branch that must be heard by the Administrative Law Court, so as to delete the exemption of the Workers' Compensation Commission. Effective June 7, 2012

## Title 43 - Social Services

**Abuse on Vulnerable Adults.** Act 189 (R235, H. 4516) an act to amend § 43-35-15, as amended, Code of Laws of South Carolina, 1976, relating to the investigation of abuse, neglect, and exploitation of vulnerable adults in certain facilities operated by the State, so as to provide that noncriminal reports of abuse, neglect, and exploitation of persons committed to the Department of Mental Health pursuant to the sexually violent predator act must be referred by the State Law Enforcement Division to the client advocacy program of the Department of Mental Health for investigation. Effective June 7, 2012

**Adult Protection Coordinating Council.** Act 239 (R300, H. 4513) an act to amend § 43-35-310, Code of Laws of South Carolina, 1976, relating to the membership of the Adult Protection Coordinating Council, so as to revise the membership and make technical corrections; and to amend § 43-35-330, relating to the duties of the Adult Protection Coordinating Council, so as to revise the duties of the council and add the requirement that the council annually prepare and distribute to the membership, various members of the General Assembly, and other interested parties a report of the council's activities and accomplishments for the calendar year and to require the report to be published on the Department of Health And Human Services' website. June 18, 2012

## Title 44 – Health

**Cleaning Agents Containing Phosphate.** Act 120 (R128, H. 3470) an act to amend § 44-53-50, Code of Laws of South Carolina, 1976, relating to the prohibition against using, selling, or manufacturing cleaning agents containing phosphates, so as to include household and commercial laundry detergents and household and commercial dishwashing detergents in this prohibition; to further specify criteria for and types of cleaning agents exempt from this prohibition; to authorize the sale of prohibited cleaning agents that are in a retailer's inventory on July 1, 2012; and to stagger the implementation of the prohibition of these cleaning agents. See Act for Effective Date

**Schedule I Drugs.** Act 140 (R158, H. 3793) an act to amend § 44-53-160, as amended, Code of Laws of South Carolina, 1976, relating to the manner in which changes in schedules of controlled substances must be made, so as to provide that changes made by the Department of Health and Environmental Control to these schedules when the General Assembly is not in session have the force and effect of law unless overturned by the General Assembly and to require the Department to distribute these changes to additional legislative committees and post these changes to the Department's website; to clarify that the Board of the Department of Health and Environmental Control must conform changes made by federal law or regulation to these schedules and to require the Department to distribute these changes to certain legislative committees and the clerks of the Senate and House and post these changes on the Department's website; and to provide that changes made to schedules of controlled substances pursuant to this section are not required to be promulgated as regulations pursuant to the Administrative Procedures Act; and to amend § 44-53-190, as amended, relating to materials, compounds, mixtures, and preparations classified as Schedule I controlled substances, including hallucinogenics, so as to add synthetic cannabinoids, cathinones, and substituted cathinones, commonly known as "bath salts" to the list of schedule i controlled substances. Effective April 2, 2012

**Number of Lifeguards for Public Swimming Pools.** Act 159 (R179, S. 1351) an act to amend the Code of Laws of South Carolina, 1976, by adding § 44-55-2390 so as to specify the number of lifeguards, based on the square footage of the pool and number of patrons, a type "A" public swimming pool must have as a condition of obtaining and maintaining an operating permit; to require Department of Health and

Environmental Control approval of lifeguard coverage plans for type "E" public swimming pools; to provide that a pool required to have only one lifeguard must have an additional employee available; and to provide procedures for applying for a variance. Effective May 14, 2012

**Prohibit Resale of Food.** Act 173 (R199, S. 220) an act to amend the Code of Laws of South Carolina 1976, by adding § 44-1-148 so as to prohibit the resale for human consumption of meat and meat products that have been sold to and returned by a consumer. May 25, 2012

**Smoking.** Act 188 (R234, H. 4092) an act to amend § 44-95-20, Code of Laws of South Carolina, 1976, relating to places where smoking is prohibited, so as to provide that smoking is not allowed in buildings, portions of buildings, and areas contiguous to these buildings owned, leased, or operated by public institutions of higher learning that the governing body of the institution has designated as nonsmoking. Effective June 7, 2012

**Home Based Food Production.** Act 190 (R236, H. 4689) an act to amend the Code of Laws of South Carolina, 1976, by adding § 44-1-143 so as to provide health and sanitary requirements for home based food production operations, including sanitation requirements, labeling requirements, and procedures for protecting food items while preparing, processing, packaging, storing, and distributing; to provide that these operations may not sell food items for resale or wholesale; to provide that these operations are not retail food establishments; to exempt operations with a net earnings of less than five hundred dollars annually; and to provide that an operation may apply for an exemption from inspection and label review by the Department of Agriculture if its annual sales are less than fifteen thousand dollars. Effective June 7, 2012

**Hospitals Required to Provide Parents of Newborns Educational Information.** Act 191 (R237, H. 4705) an act to amend the Code of Laws of South Carolina, 1976, by adding § 44-37-60 so as to require hospitals to provide parents of newborns, prior to discharge, educational information on pertussis disease and to require this information to include the Center for Disease Control's recommendation that parents receive the tetanus, diphtheria, and pertussis vaccine during postpartum to protect newborns from the transmission of pertussis; and to provide that hospitals are not required to provide or pay for a vaccination against pertussis. Effective June 7, 2012

**Death Certificates.** Act 199 (R256, H. 4687) an act to amend the Code of Laws of South Carolina, 1976, by adding § 44-63-74 so as to require death certificates to be electronically filed with the Bureau of Vital Statistics, Department of Health and Environmental Control, and electronically transmitted between the funeral home and the physician, coroner, or medical examiner, certifying the cause of death, to document death certificate information and to provide exemptions; and to provide that required signatures must be provided electronically and to define "electronic signature". Effective September 1, 2012

**Alzheimer's Disease and Related Disorders Resource Coordination Center Advisory Council.** Act 218 (R226, S. 1429) an act to amend Article 3, Chapter 36, Title 44, Code of Laws of South Carolina, 1976, relating to the Alzheimer's Disease and Related Disorders Resource Coordination Center and its advisory council, so as to clarify that this center is in the Office of The Lieutenant Governor. Effective June 7, 2012

**Interstate Advisory Health Care Commission.** Act 221 (R249, S. 836) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 10 to Title 44 so as to enact the Interstate Healthcare Compact, to provide that compact members must take action to obtain congressional consent to the compact, to provide that the legislature is vested with the responsibility to regulate healthcare delivered in their state, to provide for healthcare funding, to establish the Interstate Advisory Health Care Commission and to provide its composition, powers, duties, and authority, to provide the effective date of the compact, to provide for amending the compact, to provide for the manner of withdrawal from the compact, to provide the participation of South Carolina in the compact does not include the Administration of Medicare or the Children's Health Insurance Program absent specific authorizations by the General Assembly, and to provide necessary definitions. Effective June 7, 2012

**Liabilities Regarding Hospital's Actions.** Act 275 (R320, H. 4008) an act to amend the Code of Laws of South Carolina, 1976, by adding § 44-7-390 so as to provide that there is no monetary liability, and no cause of action is created, by a hospital undertaking or performing certain acts if not done with malice; by adding § 44-7-392 so as to provide that certain hospital proceedings and data, documents, records, and information resulting from these proceedings are confidential and not subject to discovery or subpoena and may not be used as evidence in a civil action unless the hospital has waived confidentiality or the data, documents, records, or information are otherwise available and subject to discovery; to provide that the outcome of a practitioner's application for hospital staff membership or clinical privileges, including the

privileges requested or approved, is not confidential, that the application and supporting documents are confidential, and that the application may be obtained from the physician or from the practice where the physician works; to provide that a practitioner subject to a disciplinary proceeding may receive data, documents, records, and information relating to the practitioner, even if otherwise confidential, to provide that release of such data, documents, records, and information is not a waiver of confidentiality, and to prohibit disclosure by the practitioner to third parties, other than counsel; to provide that disclosure of certain information by a hospital through reports to the Department of Health and Environmental Control, the joint commission, the Board of Medical Examiners, or the National Practitioner Data Bank is not a waiver of a privilege or confidentiality; and to provide that an affected person may file an action to assert a claim of confidentiality and a motion to enjoin the hospital from releasing data, documents, records, or information to the Department, the Board of Medical Examiners, the National Practitioner Data Bank, or the joint commission that are not required by law to be released and to provide procedures to further address such claims, including an award of attorney's fees when such a claim is unreasonably asserted; by adding § 44-7-394 so as to provide procedures when a claim of confidentiality is asserted in a judicial proceeding, including an award of attorney's fees when such a claim is unreasonably asserted; and to provide restrictions on and procedures for offering testimony in a medical or hospital malpractice case by a person who was a witness to the care that is the subject of the malpractice case; and to amend § 40-71-10, relating to immunity from liability for members of certain professional society standards committees, hospital medical staff committees, and committees appointed by the Department of Health and Environmental Control to review patient records, so as to exclude from immunity members of a hospital medical staff committee and to include immunity for members of committees appointed by the Department of Mental Health to study patient records. See Act for Effective Date

## Title 45 - Hotels, Motels, Restaurants and Boardinghouses

## Title 46 – Agriculture

**Migrant Farm Workers Commission.** Act 207 (R216, S. 1033) an act to amend the Code of Laws of South Carolina, 1976, by repealing Chapter 43, Title 46 relating to the Migrant Farm Workers Commission, its members, powers, and duties. Effective June 7, 2012

## Title 47 - Animals, Livestock and Poultry

**Equine Liability Immunity.** Act 142 (R160, H. 4475) an act to amend § 47-9-710, Code of Laws of South Carolina, 1976, relating to definitions for purposes of equine liability immunity, so as to revise the definitions of "equine activity" and "equine activity sponsor"; and to amend § 47-9-730, relating to warning signs required to be posted by equine professionals and equine activity sponsors, so as to include a requirement that warning signs are to be posted at the primary entrance to riding trails. Effective April 2, 2012

**Farm Animal and Research Facilities Protection Act.** Act 220 (R248, S. 788) an act to amend Chapter 21, Title 47, Code of Laws of South Carolina, 1976, relating to the Farm Animal And Research Facilities Protection Act, so as to provide that this chapter also applies to "crop operations", to define the term "crop operation", to provide additional liability exemptions to veterinarians and people who hold a superior interest in certain property, to provide for a civil cause of action for a person that suffers damages as a result of violations of this chapter relating to animal facility operations, to provide that it is unlawful to tamper or interfere with crop operations, and fraudulently gain access to crop operations, to provide for a civil cause of action and criminal penalties for certain violations related to crop operations, and to make technical changes; and by adding § 47-4-170 so as to provide that certain information prepared, owned, used, submitted to, in possession of, or retained by the State Livestock-Poultry Health Commission or the State Veterinarian is exempt from disclosure. Effective June 7, 2012

## Title 48 - Environmental Protection and Conservation

**Sewage system.** Act 109 (R116, H. 3617) an act to amend the Code of Laws of South Carolina, 1976, by adding § 48-1-95 so as to provide that a wastewater utility must notify the Department of Health and Environmental Control within twenty-four hours of a significant spill; to provide that if a utility has had more than two significant spills per one hundred miles of its sewage collection system within the year up to and including the date of this significant spill, the Department shall order the utility to complete a comprehensive review of its system or if the utility has a capacity, management, operations, and

maintenance plan, to order the utility to update this plan; and to require the utility to provide public notice of a significant spill. February 1, 2012

**York County Watershed Conservation Districts.** Act 155 (R175, S. 1085) an act to amend § 48-11-210, Code of Laws of South Carolina, 1976, relating to the organization and functioning of specific watershed conservation districts under the general law pertaining to such districts, so as to provide that for purposes of Chapter 11, Title 48, including the conduct of elections, the Digital Hydrologic Map prepared by the Service Center Agencies of the United States Department of Agriculture of the Fishing Creek Watershed District in York County represents and is declared to be the boundaries of the district. Effective May 14, 2012

**S.C. Conservation Bank Reauthorization Act.** Act 162 (R186, H. 3083) an act to amend Act 200 of 2002, relating to the establishment and funding sources of the South Carolina Conservation Bank, so as to extend for five years through June 30, 2018, the provisions of Chapter 59, Title 48, Code of Laws of South Carolina, 1976, the South Carolina Conservation Bank Act otherwise scheduled for repeal effective July 1, 2013, and similarly to extend the provisions of Act 200 of 2002, relating to funding sources and other matters relating to the operation of the South Carolina Conservation Bank. Effective May 14, 2012

**Exemptions and Limitations on Pollutants.** Act 198 (R255, H. 4654) an act to amend § 48-1-90, Code of Laws of South Carolina, 1976, relating to prohibiting the discharge of pollutants into the environment and remedies for violations, so as to provide exemptions and limitations on these exemptions and to specify that no private cause of action is created by or exists under the Pollution Control Act; to amend § 48-1-130, relating to final orders of the Department discontinuing discharge of pollutants, so as to delete provisions relating to required procedures preceding the issuance of a final order, to provide that an order is subject to review pursuant to the Administrative Procedures Act, and to provide this section does not abrogate any emergency power of the Department; to amend § 48-1-250, relating to whom benefits from causes of action resulting from pollution violations inure, so as to provide that no private cause of action is created by or exists under the Pollution Control Act, and to make these provisions retroactive and extinguish any right, claim, or cause of action arising under or related to the Pollution Control Act, subject to exceptions for the state and its subdivisions; to create the "Isolated Wetlands and Carolina Bays Task Force" to review, study, and make recommendations concerning issues related to isolated wetlands and Carolina bays in South Carolina, to provide for the obligations of the task force, among other things; and to provide the term "permit" as used in the Pollution Control Act is inclusive and to specify its intended meaning. Effective June 6, 2012

**Governing Board for the Department of Natural Resources.** Act 215 (R217, S. 1059) an act to amend § 48-4-30, Code of Laws of South Carolina, 1976, relating to the composition of the governing board of the Department of Natural Resources, so as to adjust the composition of the board to reflect the addition of the new congressional district, to revise the procedures by which a board member is appointed chairman, and to stagger the members' terms; to amend § 48-4-60, relating to the appointment of the director of the governing board of the Department of Natural Resources, so as to provide that the director must be appointed with the advice and consent of the Senate; to amend § 48-4-50, relating to the duties of the governing board, so as to clarify that the governing board has no duty or authority concerning the management of, control over, or administration of the day to day affairs of the Department; and to clarify the effect of congressional reapportionment upon the membership and composition of the governing board. Effective June 7, 2012

**Surface Water Withdrawal.** Act 248 (R276, S. 1220) an act to amend § 48-2-50, as amended, Code of Laws of South Carolina, 1976, relating to fees imposed by the Department of Health and Environmental Control for certain environmental programs, including the Surface Water Withdrawal Program, which are deposited into the Environmental Protection Fund for administration of these programs, so as to enumerate the fees for surface water withdrawal applications and permits that would otherwise have been repealed January 1, 2013; by adding § 49-4-175 so as to reimpose the fees the Department of Health and Environmental Control may charge for surface water withdrawal and applications and permits and to provide that the Department shall retain these fees to implement and operate the Surface Water Withdrawal Program; and to amend Act 247 of 2010, by repealing provisions that prospectively repeal the imposition of surface water withdrawal permit fees. Effective January 1, 2013

## Title 49 - Waters, Water Resources and Drainage

**Soil Classifiers.** Act 111 (R118, H. 3744) an act to amend § 40-65-40, as amended, Code of Laws of South Carolina, 1976, relating to exemptions from provisions concerning soil classifiers, so as to revise the exemptions. February 1, 2012

**Lake Paul A. Wallace Authority.** Act 229 (R267, S. 947) an act to amend the Code of Laws of South Carolina, 1976, by adding Chapter 33 to Title 49 so as to establish the Lake Paul A. Wallace authority to manage, maintain, and operate the lake, to provide for the membership of the governing body of the authority, to provide for their powers and duties, and to provide for related matters. Effective July 1, 2012

## Title 50 - Fish, Game and Watercraft

**Herring season.** Act 112 (R119, H. 3873) an act to amend § 50-5-1507, Code of Laws of South Carolina, 1976, relating to the zones, seasons, times, catch and size limits, methods, and equipment for taking herring, so as to revise the seasons, times, and size and take limits for herring, and the methods and equipment which apply and to provide for the areas in which certain of these provisions apply. February 1, 2012

**Protection of Freshwater Game Fish.** Act 113 (R120, H. 3864) an act to amend Article 1, Chapter 13, Title 50, Code of Laws of South Carolina, 1976, relating to restrictions on fishing generally, so as to revise the provisions of the article to govern certain fishing activities in the freshwaters of this state and to provide penalties for specific violations; by adding Article 2 to Chapter 13, Title 50 so as to provide for certain regulation of and the protection for freshwater game fish; by adding § 50-13-1995 so as to provide that the Department of Natural Resources may permit the federal government to conduct fish and scientific investigations in the waters of this state in connection with hatchery operations or management of those species under federal jurisdiction; and to repeal §§ 50-13-610 relating to lawful taking of fish in game zone no. 1; 50-13-620 relating to penalties applicable to fishing violations in game zone no. 1; 50-13-680 relating to permits required for taking fish in certain ponds in Marlboro County; 50-13-690 relating to the use of nets or other devices to take nongame fish from private ponds in Chesterfield County; 50-13-730 relating to the use of nets to take nongame fish in the freshwaters of this state; and 50-13-2010 relating to the Shelley Lake Fish Sanctuary in Marion County. Effective July 1, 2012

**Unlawful Freshwater Actions.** Act 114 (R121, H. 3865) an act to amend the Code of Laws of South Carolina, 1976, by adding § 50-1-160 so as to permit the Department to release a seized vehicle, boat, motor, or fishing device under certain conditions; to amend Article 3, Chapter 13, Title 50, relating to use of seines, traps, and like devices, so as to revise and further provide for the manner in which and conditions under which these devices may be used and to provide penalties for violations; by adding Article 5 to Chapter 13, Title 50 so as to provide for certain unlawful freshwater actions and to provide penalties for violations; to amend Article 6, Chapter 13, Title 50, relating to the protection of nongame fish, so as to further provide for the use of nongame fishing devices and the taking of nongame fish in the freshwaters of this state, and to provide penalties for certain violations and for specified exceptions to these provisions; to amend Article 11, Chapter 13, Title 50, relating to the sale and trafficking in fish, so as to revise certain provisions in the article pertaining to prohibited practices in regard to the sale or trafficking in fish and add other provisions with penalties for violations; to amend Article 13, Chapter 13, Title 50, relating to fish hatcheries and sanctuaries and propagation, so as to revise and further provide for actions the Department may take in regard to fish hatcheries, sanctuaries, and the propagation of fish and to provide penalties for certain violations; to amend Article 13, Chapter 19, Title 50, relating to the Horry County Fish and Game Commission, so as to delete the provisions of the article and instead provide for the permitted use of nongame devices on the Little Pee Dee River for a period of three years; and to repeal §§ 50-13-1450 relating to prima facie evidence of using explosives to take fish, 50-13-385 relating to minimum size for largemouth bass in Lake Wylie, 50-13-390 relating to daily limit on Arkansas blue catfish, and 50-13-400 relating to Lake Murray crappie creel and size limits. Effective July 1, 2012

**Bird Sanctuaries in York County.** Act 150 (R170, H. 4983) an act to amend § 50-11-870, Code of Laws of South Carolina, 1976, relating to bird sanctuaries and the use of firearms within their borders, so as to revise the boundaries of certain bird sanctuaries in York County. Effective April 23, 2012

**Antlered Deer.** Act 195 (R252, H. 3113) an act to amend § 50-1-60, Code of Laws of South Carolina, 1976, relating to the division of the state into six game zones, so as to move Horry County from Game Zone 4 and place it in Game Zone 5. Effective June 7, 2012

**Unlawful to Hunt Migratory Waterfowl.** Act 196 (R253, H. 4054) an act to amend the Code of Laws of South Carolina, 1976, by adding § 50-11-36 so as to provide that it is unlawful to hunt migratory waterfowl on Lake Keowee within two hundred yards of a dwelling, and to provide a penalty; by adding § 50-11-37 so as to provide that it is unlawful to hunt migratory waterfowl on Broadway Lake within two hundred yards of a dwelling without written permission of the owner and occupant, and to provide a penalty; and by adding § 50-11-38 so as to provide that it is unlawful to hunt migratory waterfowl on Lake Moultrie within two

hundred yards of a dwelling without written permission of the owner and occupant, and to provide a penalty. Effective June 7, 2012

**Geographic Boundaries for Certain Bodies of Water.** Act 206 (R215, S. 1029) an act to amend § 50-1-50, Code of Laws of South Carolina, 1976, relating to geographic boundaries of certain bodies of water, so as to give a numerical designation to each body of water enumerated in the section and to make other technical changes to the section. Effective June 7, 2012

**Sheepshead Size and Catch Limits.** Act 210 (R224, S. 1364) an act to amend §§ 50-5-1705 and 50-5-1710, both as amended, Code of Laws of South Carolina, 1976, relating to lawful size and catch limits for certain fish, so as to provide lawful size and catch limits for sheepshead (*Archosargus probatocephalus*). June 7, 2012

**Hunting Migratory Waterfowl on Lake Moultrie.** Act 219 (R247, S. 512) an act to amend the Code of Laws of South Carolina, 1976, by adding § 50-11-36 so as to prohibit hunting migratory waterfowl on Lake Moultrie within two hundred yards of a dwelling without written permission and to provide a penalty for a violation. Effective June 7, 2012

**Use of Laser Sights While Hunting Coyotes.** Act 228 (R266, S. 741) an act to amend § 50-11-710, as amended, Code of Laws of South Carolina, 1976, relating to night hunting prohibitions and exceptions, so as to provide for the lawful night hunting of feral hogs and coyotes in specific circumstances, and to define a related term, and to provide penalties for violations; to amend § 50-11-740, relating to the confiscation, forfeiture, and sale of property used in unlawful hunting, so as to include trailers and other means of conveyance, and make applicable to violations of unlawful night hunting; and to amend § 50-16-70, as amended, relating to penalties for unlawful importation of wildlife, so as to include suspension of hunting licenses and confiscation, forfeiture, and sale of certain associated property, to provide each unlawfully imported animal constitutes a separate offense, and to give exclusive jurisdiction to the magistrates court. Effective June 18, 2012

**Free Fishing Days.** Act 245 (R272, S. 1087) an act to amend § 50-9-730, Code of Laws of South Carolina, 1976, relating to the ability of the Department of Natural Resources to designate "free fishing days" and sanction fishing events exempt from fishing license requirements, so as to delete the provision that allows the Department to designate "free fishing days", to designate July fourth and National Memorial Day as days when a resident is not required to possess a license or permit for freshwater recreational fishing, to limit Department-sanctioned events that are exempt from fishing license requirements to freshwater events, and to exempt certain commercial fishermen from the provisions of this section; to amend § 50-1-160, relating to the release of seized property to an innocent owner by the Department, so as to clarify application of section to property seized for a violation of Title 50; and to amend § 50-9-410, as amended, relating to circumstances in which a commercial fishing license is required, so as to modify specifics pertaining to trotlines, tags, and hooks. Effective July 1, 2012

**Saltwater Game Fish.** Act 249 (R277, S. 1231) an act to amend § 50-1-30, as amended, Code of Laws of South Carolina, 1976, relating to classifications of birds, animals, and fish, so as to add *Cobia Rachycentron canadum* to the saltwater gamefish classification; to amend § 50-5-1700, relating to the criminal offenses of selling, purchasing, trading, bartering, taking, and possessing saltwater gamefish, so as to also create such criminal offenses for cobia; to amend § 50-5-32, relating to closing saltwater fishing seasons, areas, or activities in an emergency and procedures for such closing, so as to revise the definition of "emergency" and to provide that it is a criminal offense to possess specified saltwater fish in an emergency and to eliminate the offense of taking or attempting to take saltwater fish in an emergency; to amend § 50-5-1506, relating to seasons, times, methods, equipment, size limits, and take limits in commercial fishing for shad in specified waters of the state, so as to add, delete, and revise certain of these waters of the state and to revise seasons, times, methods and equipment, and size and take limits. Effective June 18, 2012

**Commercial Fur License.** Act 257 (R290, H. 3730) an act to amend the Code of Laws of South Carolina, 1976, by adding § 50-9-450 so as to provide that a commercial fur license, in addition to a state hunting license is required of all persons who, for a commercial purpose, sell or take fur bearing animals by any means and of all persons who trap such animals, to provide exceptions, and to provide that a person under the age of sixteen may purchase a commercial fur license without having to purchase a state hunting license after completing the trappers education course; to amend § 50-11-40, relating to the unlawful use of recorded sounds or amplified imitations of calls or sounds by a person to hunt, catch, take, or kill a game bird or game animal or attempt to hunt, catch, take, or kill a game bird or game animal by use of these means, so as to provide that this section does not apply to the hunting and taking of coyotes; to amend § 50-11-1080, relating to the Department of Natural Resources declaring open season on coyotes, so as to provide

that there is no closed season for hunting or taking coyotes with weapons; to amend § 50-11-2400, relating to definitions of certain terms that pertain to the trapping of fur bearing animals, so as to revise the definition of the terms "fur bearing animal" and "commercial purposes", and to provide definitions for the terms "owner" and "agent"; to amend § 50-11-2430, relating to requiring a fur trapper to carry proof that he is the owner of the property on which he sets his traps, or has permission from the owner of the property upon which his traps are set, so as to make technical changes or clarify certain requirements; to amend § 50-11-2440, relating to requiring a trapper to visit his traps daily, so as to modify the frequency that a trapper must visit his traps, including certain body gripping traps; to amend § 50-11-2445, relating to the removal of trapped wildlife by the owners of traps, so as to allow a trap owner's designee to remove wildlife from his traps under certain conditions; to amend § 50-11-2460, relating to certain traps that are allowed for trapping, so as to further provide for the types of traps that are allowed and their uses; to amend § 50-11-2475, relating to the issuance of a fur processor's license, so as to revise the cost of the license, to require a taxidermist to keep a daily register of the name and address of each person from whom a fur bearing animal is received along with other information about the animal, and to make technical changes; to amend § 50-11-2640, relating to penalties for importing foxes and coyotes, so as to provide that each animal taken or possessed in violation of the § is a separate offense; to amend § 50-9-350, relating to apprentice licenses, so as to permit apprentice license holders to obtain other hunting permits and tags; to amend § 50-11-2570, relating to the issuance of special permits to capture destructive animals, so as to further provide for the purpose and reasons for the permits; to provide the circumstances when a nonresident may obtain a lifetime combination license; and to repeal §§ 50-11-1060, 50-11-1070, 50-11-2420, and 50-11-2575 relating to, respectively, the issuance of a commercial fur license, the issuance of a permit to poison predatory animals, the killing of bobcats, and the special permits for use of beaver snares. Effective June 18, 2012

## Title 51 - Parks, Recreation and Tourism

**Pendleton District Agricultural Museum.** Act 123 (R132, H. 4434) an act to amend Act 794 of 1966, as amended, relating to the Pendleton District Historical and Recreational Commission of Anderson, Oconee, and Pickens counties, so as to provide that effective March 1, 2012, the name of the Pendleton District Agricultural Museum must be the "Bart Garrison Agricultural Museum of South Carolina". Effective February 22, 2012

**Civil War Heritage Trails.** Act 216. (R220, S. 1143) a joint resolution to establish South Carolina Civil War Heritage Trails as the official Civil War era historic driving trails of South Carolina; to permit South Carolina Civil War Heritage Trails to consult with the South Carolina Civil War Sesquicentennial Advisory Board and The Department of Archives And History concerning the planning, development, establishment, maintenance, and marketing of the trails; to encourage the Department of Transportation to work with South Carolina Civil War Heritage Trails concerning the placement of signs adjacent to the state highway system; and to encourage the appropriate government agencies to cooperate with South Carolina Civil War Heritage Trails concerning educational and marketing materials. Effective June 7, 2012

## Title 52 - Amusements and Athletic Contests

## Title 53 - Sundays, Holidays and Other Special Days

## Title 54 - Ports and Maritime Matters

**Issues Pertaining to the Savannah River.** Act 125. (R133, H. 4627) a joint resolution to suspend the authority of the South Carolina Department of Health and Environmental Control for all decisions subsequent to 2007 pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the Department of the application for the construction in navigable waters permit for dredging of the South Carolina portion of the Savannah River, because the authority to issue such a permit had been granted to the Savannah River Maritime Commission by Act 56 of 2007 and the activities authorized by this permit could present imminent and irreversible public health and environmental concerns; and to provide that the Department retains authority over other matters pertaining to the Savannah River. Effective March 1, 2012

## Title 55 – Aeronautics

**Richland-Lexington Airport Commission.** Act 117 (R124, H. 3947) an act to amend § 55-11-320, as amended, Code of Laws of South Carolina, 1976, relating to the creation of the Richland-Lexington Airport Commission, so as to provide that the commission must be appointed by the Richland and Lexington County legislative delegations and the Columbia City Council and no longer by the Governor, and delete an obsolete provision. Effective February 1, 2012

**Division of Aeronautics.** Act 270 (R293, H. 3918) an act to amend Chapter 1, Title 55, Code of Laws of South Carolina, 1976, relating to the creation of the Division of Aeronautics within the Department of Commerce, so as to provide definitions for various terms, to move the functions, duties, and responsibilities of the Division of Aeronautics to the South Carolina Budget and Control Board, to provide that all fees and fines assessed by the division must be deposited into the State Aviation Fund, to revise certain provisions relating to the operation of intrastate scheduled airline service, county aviation commissions, the use of state-owned aircraft, and the use of alcoholic beverages by flight crew members, to make technical changes, and to revise certain penalties; to amend Chapter 3, Title 55, relating to the uniform state laws for aeronautics, so as to make technical changes, revise certain provisions relating to the definition of various forms of aircraft, the ownership of airspace, the landing of an aircraft on lands or waters, to provide that it is illegal to point, aim, or discharge a laser device at certain aircraft, and provide penalties; to amend Chapter 5, Title 55, relating to the Uniform State Aeronautical Regulatory Law, so as to make technical changes, to delete the provision that contains various terms and their definitions, to delete the provision that requires the State Budget and Control Board to provide offices for the Division of Aeronautics, to delete the provision that requires the Division of Aeronautics to furnish county auditors a list of all aircraft registered in their county, to revise the division's responsibilities relating to its regulation of certain air navigation and airport facilities, the construction of airports, the reports it files with the Federal Aviation Administration, and the operation of the division, to provide penalties for violations of provisions of this chapter, and to revise provisions relating to the use of monies contained in the State Aviation Fund; to amend Chapter 9, Title 55, relating to the Uniform South Carolina Airports Act, so as to make technical changes, to provide that this chapter also applies to counties, airport commissions, and special purpose districts, to delete obsolete terms, to revise the projects that may be funded from monies contained in airport facilities accounts, and to provide for the term "airport hazard" and to provide its definition and the regulation of an airport hazard; to amend Chapter 11, Title 55, relating to the creation and operation of certain airports within the State, so as to make technical changes, to provide that the Division of Aeronautics is transferred from the Department of Commerce to the State Budget and Control Board, to delete certain obsolete terms, to revise the process for the making of certain contracts for the construction, erection, maintenance, and repair of certain airport facilities, to allow for the sale of alcoholic beverages at certain airport facilities, to revise certain penalties, to revise the definition of a "quorum" for a certain airport commission, to expand the authority of certain airport commissions to adopt rules and promulgate regulations, to provide that it is unlawful to engage in certain activities upon certain airport properties, to delete the term "secretary" and its definition, and replace it with the term "executive director" and its definition and to make technical changes; to amend Chapter 13, Title 55, relating to the protection of airports and airport properties, so as to provide that the Division of Aeronautics shall create maps of the State's public use airports and distribute them to various local governmental agencies for various purposes, to provide that political subdivisions may assist with the protection of areas that pose hazards to air traffic, and to revise the penalties for violations of this chapter; to amend Chapter 15, Title 55, relating to relocation assistance, so as to delete the term "Department of Commerce" and replace it with the term "Budget and Control Board", and to make technical changes; to amend Chapter 17, Title 55, relating to regional airport districts, so as to revise the provision that revises the type of air carriers regulated by this chapter, and to make technical changes; to amend § 13-1-20, relating to certain responsibilities of the Department of Commerce, so as to delete its responsibility to develop state public airports and an air transportation system; to amend § 13-1-30, as amended, relating to the organizational structure of the Department of Commerce, so as to revise the provisions relating to the Division of Aeronautics; to amend § 13-1-1050, as amended, relating to certain terms and their definitions, so as to provide for the appointment of a member of the commission from the seventh congressional district; to amend § 13-1-1000, relating to the Aeronautics Commission, so as to provide that it is no longer a division of the Department of Commerce, but a division of the Budget And Control Board; to amend § 13-1-1010, relating to the Aeronautics Commission, so as to provide that the commissions duties and responsibilities are transferred from the Department of Commerce to the Budget And Control Board; and to repeal Chapter 8, Title 55 relating to the Uniform Aircraft Financial Responsibility Act. Effective June 18, 2012

## Title 56 - Motor Vehicles

**Department of Motor Vehicles.** Act 107 (R114, H. 3122) an act to amend § 56-3-180, Code of Laws of South Carolina, 1976, relating to the Department of Motor Vehicles issuance of special permits to move vehicles during an emergency, so as to delete the term "move" and replace it with the term "operate", to

delete the provision that restricts the issuance of the permits to emergency situations, to remove the restriction placed on the number of permits that may be issued for a vehicle, and to revise the information that must be specified on the permit. Effective February 1, 2012

**Housemoving License.** Act 110 (R117, H. 3731) an act to amend § 56-27-30, Code of Laws of South Carolina, 1976, relating to the term and cost of a professional house moving license, so as to revise the annual renewal fee; and to amend § 57-3-130, as amended, relating to the Department of Transportation's special permits that authorize a person to operate or move a vehicle that exceeds a certain size, so as to provide that the Department may determine the maximum speeds at which permitted loads may operate, to provide that for a load traveling under police escort, the escort officer may exercise discretion when temporarily moving out of the traveled way, and to provide an additional impact fee for loads that exceed five hundred thousand pounds. February 1, 2012

**Veteran Status Designation on Driver's License.** Act 147 (R166, S. 710) an act to amend § 56-1-140, as amended, Code of Laws of South Carolina, 1976, relating to the issuance and contents of a South Carolina driver's license, so as to, upon the licensee's request and proof of eligibility, include a veteran status designation on the driver's license; to amend § 56-1-3350, as amended, relating to the issuance of special identification cards, so as to, upon the card holder's request and proof of eligibility, include a veteran status designation on the special identification card; by adding § 56-1-205 so as to provide that, upon proof of eligibility, an applicant for a South Carolina driver's license may have a notation placed on his driver's license that the applicant is hearing impaired; and by adding § 56-3-1920 so as to provide that, upon proof of eligibility, a hearing impaired driver may apply to the Department of Motor Vehicles for a hearing impaired identification placard. Effective April 23, 2012

**Golf Carts.** Act 177 (R205, H. 3259) an act to amend the Code of Laws of South Carolina, 1976, by adding § 56-2-105 so as to define the term "gated community", to provide that an owner of a golf cart must obtain a permit decal and registration from the Department of Motor Vehicles to operate the golf cart during daylight hours, to provide certain restrictions upon a person who operates a golf cart, to provide that a political subdivision may reduce the area in which a golf cart may be operated, and to provide that certain restrictions upon the operation of a golf cart contained in this section do not apply to a public safety agency in connection with the performance of its duties; and to repeal § 56-3-115 relating to the issuance of permits by the Department of Motor Vehicles that allow a golf cart to be operated on a secondary highway. October 1, 2012

**Farm Trucks Defined.** Act 180 (R208, H. 4761) an act to amend the Code of Laws of South Carolina, 1976, by adding § 56-5-225 so as to define the term "farm truck"; by adding § 56-5-363 so as to provide which commercial motor vehicles and their drivers must meet the requirements of the Federal Motor Carrier Safety Regulations; to amend § 56-3-670, as amended, relating to fees for farm truck licenses, so as to provide that the definition of "farm truck" does not include certain vehicles that transport hazardous materials or sixteen or more people; to amend § 56-5-4010, relating to size, weight, and speed limitations placed on certain vehicles, so as to provide that the Transport Police Division has the exclusive authority to enforce the commercial motor vehicle carrier laws which include federal motor carrier safety regulations, hazardous material regulations, and size and weight laws and regulations; and to amend § 56-5-4150, relating to the registration of certain vehicles, so as to provide that certain "farm trucks" are not required to have the name of the registered owner, lessor, or lessee marked on the vehicle. Effective May 25, 2012

**Off-site Displays of Automobiles.** Act 181 (R209, H. 5029) an act to amend the Code of Laws of South Carolina, 1976, by adding § 56-15-315 so as to provide for off-site displays of automobiles and certain trucks under certain circumstances, and to provide penalties for violations of this provision. Effective May 25, 2012

**Accident Causing Death.** Act 226 (R263, S. 263) an act to amend § 56-5-2910, Code of Laws of South Carolina, 1976, relating to reckless homicide, so as to provide that the offense shall be designated as reckless vehicular homicide, and to make technical changes; to amend § 56-5-2946, relating to the requirement that a person must submit to chemical tests of his breath, blood, or urine for the purpose of determining whether he is unlawfully operating a vehicle, so as to provide that the officer who directs that the tests must be administered does not have to have probable cause to believe that the person is guilty of felony driving under the influence of alcohol, drugs, or another substance; and by adding § 56-5-2948 so as to provide that when a person is suspected of causing a motor vehicle incident resulting in the death of another person, the driver must submit to field sobriety tests if he is physically able to submit to the tests. Effective December 18, 2012

**To Increase the Age of the Vehicle That May Be Disposed of By a Demolisher.** Act 242 (R269, S. 1031) an act to amend § 16-11-523, as amended, Code of Laws of South Carolina, 1976, relating to unlawfully obtaining nonferrous metals, so as to revise the definition of "nonferrous metals", and to provide

for the revocation of a permit to purchase nonferrous metals held by a person who violates the provisions of this section; to amend § 16-17-680, as amended, relating to secondary metals recyclers' permits to purchase nonferrous metals and transport and sell nonferrous metals, so as to revise the definitions of certain terms, and to revise the provisions that regulate secondary metals recyclers who purchase nonferrous metals; to amend § 40-27-10 and 40-27-20, both relating to requiring a person who buys junk to keep a record of persons who sell junk to him and keep each article of junk purchased for a seventy-two hour period, so as to provide that these provisions apply to junk that does not consists of nonferrous metals; to amend § 56-3-1380, relating to the return of the registration card, license plate, and revalidation sticker to the Department of Motor Vehicles of a motor vehicle that has been dismantled or wrecked, so as to provide that a person who disposes of a vehicle to a demolisher or secondary metals recycler can surrender the title certificate to the demolisher or secondary metals recycler so that the demolisher or secondary metal recycler can surrender the title certificate to the Department of Motor Vehicles; to amend § 56-5-5640, relating to the sale of unclaimed vehicles, so as to provide that the Office of Court Administration shall design a uniform magistrates order of sale and distribute it to magistrates and provide that the order of sale must be sufficient title for transferring a vehicle to a demolisher or secondary metals recycler; to repeal § 56-5-5660 relating to applications for and the issuance of disposal authority certificates; to amend §§ 56-5-5670 and 56-5-5945, both as amended, relating to the duties that a demolisher who purchases or acquires certain vehicles or nonferrous metals must perform, so as to provide definitions for certain terms, provide that a demolisher or secondary metals recycler may not dispose of a vehicle without receiving a valid certificate of title, a valid magistrates order of sale, or a valid sheriff's disposal authority certificate, to provide the circumstances in which a vehicle may be disposed of by a demolisher or secondary metals recycler when a certificate of Title, magistrates order of sale, or sheriff's disposal authority certificate is not available, to revise the record keeping provisions that apply to demolishers and secondary metal recyclers, to provide that the Department of Motor Vehicles shall convene a working group for the purpose of assisting in the development of forms and regulations to implement the provisions contained in this section, and to revise the penalty for a violation of these provisions; and to amend § 56-19-480, relating to the transfer and surrender of certificates of title, license plates, registration cards and manufacturers serial plates of vehicles sold as salvage, abandoned, scrapped, or destroyed, so as to provide that this provision does not apply to a demolisher or secondary metals recycler, and to provide that a person 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 they can surrender it to The Department of Motor Vehicles. See Act for Effective Date

**Controlled Access Highways.** Act 252 (R280, S. 1375) an act to amend § 56-5-3860, Code of Laws of South Carolina, 1976, relating to the prohibition of animals and certain vehicles on freeways, so as to provide for an exemption for bicycles and pedestrians that may travel along noninterstate freeways under certain circumstances. Effective June 18, 2012

**Special License Plates.** Act 253 (R281, S. 1417) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 108 to Chapter 3, Title 56 so as to provide for the issuance of "South Carolina Tennis Patrons Foundation" special license plates; to amend § 56-3-2320, relating to the issuance of motor vehicle dealer and demonstration license plates, so as to provide that the United Service Organization South Carolina and the American Red Cross may be issued a license plate to be used on vehicles loaned or rented to either entity for a fee and to provide for the distribution of the fee; by adding Article 109 to Chapter 3, Title 56 so as to provide for the issuance of "Tree My Dog" special license plates; by adding Article 110 to Chapter 3, Title 56 so as to provide for the issuance of "United States Navy Chief Petty Officer" special license plates; to amend § 56-3-7360, as amended, relating to the issuance of "Korean War Veterans" special license plates, so as to provide that this special license plate may be issued to a veteran who served on active duty during the Korean War; to amend § 56-3-9910, as amended, relating to "Gold Star Family" special license plates, so as to provide that the license plate shall contain letters or numbers, or both requested by the applicant; by adding Article 111 to Chapter 3, Title 56 so as to provide for the issuance of "United States Marine Corps" special license plates; to amend § 56-3-8800, as amended, relating to "World War II Veterans" special license plates, so as to provide that a person who qualifies to obtain this license plate and a handicapped placard shall have issued to him this license plate with the international symbol of access included on it. Effective June 18, 2012

**Special License Plates.** Act 272 (R316, H. 3124) an act to amend the Code of Laws of South Carolina, 1976, by adding Articles 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, and 131 to Chapter 3, Title 56 so as to provide that the Department of Motor Vehicles may issue "Distinguished Service Medal" special license plates, "Second Amendment" special license plates, "Historic" special motor vehicle license plates, "Distinguished Service Cross" special license plates, "Department Of Navy" special license plates, "Parents And Spouses Of Active Duty Overseas Veterans" special license plates, "State Flag" special license plates, "South Carolina Highway Patrol-Retired" license plates, "I Support Libraries" special license plates, "South Carolina Educator" special license plates, "Beach Music" special

license plates, "Citadel Alumni Association 'Big Red'" special license plates, "Large Mouth Bass" special license plates, "High School" special license plates, "South Carolina Wildlife Federation" special license plates, "Dr. Mary Mcleod Bethune" special license plates, "Gadsden Flag" special license plates, "Active Duty Members Of The United States Armed Forces" special license plates, "2010-11 Baseball National Champions" special license plates, and "Combat-Related Disabled Veteran" special license plates; to amend Article 65, Chapter 3, Title 56, relating to the issuance of "Boy Scouts Of America" special license plates, so as to make technical changes and to provide for the issuance of "Eagle Scouts Of America" special license plates; to amend § 56-3-2150, as amended, relating to the issuance of special license plates to certain current and former elected officials and judicial officers, so as to increase the number of special license plates that a coroner may be issued from one to two; to amend § 56-3-1240, as amended, relating to the display of a license plate, so as to provide that a frame may be placed on a license plate under certain circumstances; to amend § 56-3-10410, relating to the issuance of "Veteran" special license plates, so as to provide for the placement of the wheelchair symbol on certain "Veteran" license plates; to amend § 56-3-3310, as amended, relating to the issuance of "Purple Heart" special license plates, so as to increase the number of license plates that may be issued to a person from one to three and to provide a fee for the third license plate; to amend § 56-3-8000, as amended, relating to the issuance of special license plates that contain the emblem of a tax exempt organization, so as to specify their size, general design, and period of validity, to revise their costs and distribution of fees collected from their sale, to eliminate the number of prepaid applications and revise the minimum payment that the Department of Motor Vehicles must receive before a special license plate may be issued, to provide that the organization must give its legal authority to the Department for the Department's use of the organization's logo, trademark, or design, to provide that the fee that an organization must provide the Department before a special license plate is produced must be reviewed by the General Assembly on a periodic basis, and a fee increase must be justified by the Department and approved by the General Assembly; to amend § 56-3-8100, as amended, relating to the issuance of special license plates created by the General Assembly, so as to eliminate the number of prepaid applications and revise the minimum payment that the Department of Motor Vehicles must receive before a special license plate may be issued, to revise the costs and distribution of fees collected from their sales, to provide that the fee that an organization must submit to the Department before a special license plate is produced must be revised by the General Assembly on a periodic basis, and to provide that a fee increase must be justified by the Department and approved by the General Assembly; to amend § 56-3-6000, as amended, relating to the issuance of "United States Armed Forces" special license plates, so as to provide that the Department may issue distinct and separate license plates for the various branches of the armed services, and to revise the fee and its distribution, and the production procedures for this special license plate. Effective December 26, 2012

## Title 57 - Highways, Bridges and Ferries

**Beaufort County Highways.** Act 116 (R123, H. 3914) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 20 to Chapter 23, Title 57 so as to designate certain highways in Beaufort County as scenic highways and scenic byways; and to repeal Act 714 of 1978 which designated certain portions of highways in Beaufort County as scenic highways. Effective February 1, 2012

**Department of Transportation/Summerville.** Act 136 (R154, H. 3254) an act to amend § 57-23-800, Code of Laws of South Carolina, 1976, relating to roadside vegetation management by the Department of Transportation along the interstate highway system, so as to increase the portion of vegetation the department may manage along the interstate highway system, and to allow local governmental entities to conduct vegetation management activities beyond the portions of roadways managed by the Department; and to repeal §§ 57-23-810, 57-23-815, 57-23-820, 57-23-825, 57-23-830, 57-23-835, 57-23-840, and 57-23-850 all relating to roadside vegetation management procedures in various counties. Effective April 2, 2012

**Dillon County Transportation Department.** Act 144 (R162, H. 4716) an act to amend § 57-23-800, Code of Laws of South Carolina, 1976, relating to roadside vegetation management by the Department of Transportation along the interstate highway system, so as to increase the portion of vegetation the department may manage along the interstate highway system, and to allow local governmental entities to conduct vegetation management activities beyond the portions of roadways managed by the Department; and to repeal §§ 57-23-810, 57-23-815, 57-23-820, 57-23-825, 57-23-830, 57-23-835, 57-23-840, and 57-23-850 all relating to roadside vegetation management procedures in various counties. Effective April 2, 2012

**Plantersville Scenic Byway.** Act 171 (R195, H. 4733) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 21 to Chapter 23, Title 57 so as to designate certain highways in Georgetown County as the Plantersville Scenic Byway, and to make it subject to regulations of the Department of Transportation and the South Carolina Scenic Highways Committee. Effective May 14, 2012

**Notice to Abandon or Close Street.** Act 184 (R229, H. 3390) an act to amend § 57-9-10, Code of Laws of South Carolina, 1976, relating to petitioning a court to abandon or close a street, road, or highway, so as to provide that a notice of intention to file a petition must be posted along the street, road, or highway subject to the approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway, and to provide that the Department of Transportation shall promulgate regulations that will establish the minimum mandatory size, language, and positioning of signs pursuant to this section. Effective June 7, 2012

**Department of Transportation.** Act 224 (R261, S. 105) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 8 to Chapter 25, Title 57, to create the agritourism and tourism-oriented signage program, to define necessary terms, to direct the Department of Transportation to create and supervise a statewide program related to providing directional signs along the state's rural conventional highways and noninterstate scenic byways leading to agritourism and tourism-oriented facilities, to provide for an oversight committee to approve applications for signage; to direct the Department of Agriculture and Parks, Recreation and Tourism to develop logos to be utilized for the signage; and by adding § 57-7-90 so as to provide that it is unlawful to camp within the right-of-way of a highway under certain circumstances and to provide a penalty. Effective June 18, 2012

**DOT Must Maintain a Detailed Transaction Register of All Funds Expended Each Month.** Act 230 (R268, S. 1007) an act to amend the Code of Laws of South Carolina, 1976, by adding § 57-3-755 so as to provide the Department of Transportation shall maintain an online transaction register of all expended funds in a specific manner, to specify related information that must be included, to provide the register be prominently posted on the internet website of the Department, and to provide the Department may consult with the Comptroller General for certain questions or issues concerning the register. See Act for Effective Date

## Title 58 - Public Utilities, Services and Carriers

**Municipalities.** Act 122 (R130, H. 4108) an act to amend §§ 5-31-2510, 6-11-2510, 33-49-1410, 58-5-1110, 58-27-2510, and 58-31-510, Code of Laws of South Carolina, 1976, relating to definitions used in procedures governing the termination of electric and natural gas service under certain circumstances furnished by a municipality, special purpose district or public service district, electric cooperative, public utility, public service authority, or electric utility, so as to change the definition of "special needs account customer" to include customers who suffer from Alzheimer's disease or Dementia. Effective February 22, 2012

**Public Service Commission.** Act 208 (R221, S. 1247) an act to amend § 58-3-250, Code of Laws of South Carolina, 1976, relating to service of final orders and decisions of the Public Service Commission, so as to allow the commission to serve a final order or decision by electronic service, registered mail, or certified mail. June 7, 2012

**Edgefield County Water and Sewer Authority.** Act 240 (R302, H. 4665) an act to amend Act 571 of 1967, as amended, relating to the Edgefield County Water and Sewer Authority, the boundaries of which pursuant to this act include areas in Edgefield and Aiken counties, so as to revise the manner in which members of the governing body of the authority shall be appointed and from what areas. June 18, 2012

**Government Owned Communications Service Providers.** Act 284 (R326, H. 3508) an act to amend the Code of Laws of South Carolina, 1976, so as to retitle Article 23, Chapter 9, Title 58, relating to government-owned telecommunications service providers as "government-owned communications service providers"; by adding § 58-9-2660 so as to provide a government-owned communications service provider may petition the public service commission to designate one or more areas as an "unserved area", to specify the procedure for making and protesting this petition, to provide for a hearing of a protest to a petition, to provide for the application of certain provisions of law to an unserved area, and to provide a process for petitioning for a determination that an area has ceased to be an unserved area; to amend § 58-9-10, as amended, relating to definitions concerning telephone companies, so as to modify the definition of "broadband service"; to amend § 58-9-2600, relating to the purpose of Article 23, Chapter 9, Title 58, so as to make conforming changes and clarify the scope of the article; to amend § 58-9-2610, relating to definitions concerning government-owned telecommunications service providers, so as to make conforming changes and add certain definitions; to amend § 58-9-2620, as amended, relating to duties, restrictions, rate computations, and accounting requirements of government-owned telecommunications service providers, so as to make conforming changes, to allow a government-owned communications service provider may provide certain matching funds to comply with a federal grant, to give the office of regulatory staff jurisdiction to investigate the compliance of a government-owned communications provider with the

provisions of this chapter, to provide the commission may enforce the compliance of a government-owned communications service provider with the provisions of this chapter, and to clarify that this § does not expand or limit the jurisdiction of the commission or office of regulatory staff with respect to any service provider other than a government-owned communications service provider; to amend § 58-9-2630, relating to certain tax collections and payments, so as to make conforming changes; to amend § 58-9-2650, relating to liability insurance rates for communications operations, so as to make conforming changes; by adding § 58-9-2670 so as to exempt certain government-owned communications service providers from certain provisions; by adding § 58-9-2689 so as to require the state regulation of public utilities review committee to submit a report to the General Assembly every five years detailing the effect of this act; and to clarify that this act does not expand, diminish, or otherwise affect certain provisions regarding the South Carolina lightrail consortium. Effective June 29, 2012

## Title 59 – Education

**Tuition Rates for Military Personnel and Dependents.** Act 133 (R149, S. 833) an act to amend § 59-112-50, as amended, Code of Laws of South Carolina, 1976, relating to tuition rates for military personnel and their dependents, so as to provide that active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for certain courses. April 2, 2012

**Requirements for the Individuals with Disabilities Act.** Act 148 (R167, H. 4595) an act to amend Act 73 of 2011, relating to the 2011-2012 General Appropriations Act, so as to revise paragraph 1A.54, Section IA, part IB, directing the Department of Education to transfer certain funds to meet maintenance of effort requirements for the individuals with disabilities education act by further providing for the dollar amount of the transfer and for other terms and conditions of the transfer; and to provide that notwithstanding any other provision of law, school districts uniformly may negotiate salaries below the school district salary schedule for the 2012-2013 school year for retired teachers. Effective April 23, 2012

**Compulsory Education.** Act 163 (R187, H. 3236) an act to amend § 59-65-10 and § 59-65-30, Code of Laws of South Carolina, 1976, relating to compulsory education for South Carolina school children and the exception to the requirement, respectively, so as to include the South Carolina Association of Christian Schools as an authorizer of schools that children may attend within the compulsory education requirement. Effective May 14, 2012

**Charter Schools.** Act 164 (R188, H. 3241) an act to amend the Code of Laws of South Carolina, 1976, by adding § 59-40-55 so as to provide charter school sponsor powers and duties and to allow a sponsor to retain certain funds for overseeing the charter school; by adding § 59-40-175 so as to create the Charter School Facility Revolving Loan Program for the construction, purchase, renovation, and maintenance of public charter school facilities; by adding § 59-40-235 so as to provide that the geographical boundaries from which a charter school sponsored by a public or independent institution of higher learning may accept students are the same as the boundaries of the State of South Carolina; to amend § 59-40-20, as amended, relating to the purpose of the charter school act, so as to include an additional purpose; to amend § 59-40-40, as amended, relating to definitions, so as to amend existing definitions and add new definitions, including provisions within the definition of a "charter school" to allow an applicant to seek to form a single gender charter school, and to permit within the definitions of "sponsor" and "applicant" a public or independent institution of higher learning or its board to be a sponsor or applicant; to amend § 59-40-50, as amended, relating to charter school powers and duties, so as to further provide for these powers and duties and for other provisions pertaining to the operation or governance of the charter school, including the selection of its board of directors and the authorization of charter schools and charter school students to participate in interscholastic competitions, programs, and extracurricular activities under certain conditions; to amend § 59-40-60, as amended, relating to application to create a charter school, so as to require a contract to be executed between the charter school and its sponsor, reflecting the provisions in the application among other requirements, to provide that the Department of Education shall develop a contract template to be used by charter schools and their sponsors, and to further provide for actions required of an applicant and what must be in the application; to amend § 59-40-70, as amended, relating to the charter school advisory committee, so as to revise its membership, to extend the time period in which the committee shall determine application compliance and the time in which a local school district shall rule on the application, and to provide for other provisions relative to the application, including a requirement that the advisory committee shall notify the local delegation of a county in which a proposed charter school is to be located upon receipt of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation; to amend § 59-40-100, as amended, relating to a charter school conversion, so as to provide for specific vote requirements if the proposed conversion school has certain types of outstanding general obligation bond debt, to revise priority enrollment procedures for a converted charter school, to

allow a converted charter school to retain facilities and equipment available before conversion, and to prohibit unlawful reprisals against employees of a school district because of their involvement in establishing or converting a charter school; to amend § 59-40-110, as amended, relating to the duration of a charter, so as to permit a charter school to submit a renewal application to another charter granting authority if the sponsor refuses to renew the charter under certain conditions; to amend § 59-40-140, as amended, relating to distribution of resources, so as to revise the manner in which specific funds must be distributed by the Department of Education to school districts having charter schools and then by the districts to the charter schools, to further provide for the distribution of certain other funds to a charter school by the sponsor, to further provide for contract and reporting requirements in regard to the charter school, and to provide for the manner in which funding shall be determined for converted charter schools; to amend § 59-40-190, as amended, relating to liability of a governing body of a charter school, so as to provide immunity to a local school district or area commission for criminal or civil liability regarding activities related to a sponsored charter school; to amend § 59-40-230, relating to the board of trustees of the South Carolina Public Charter School District, so as to revise its membership; to amend § 59-40-130, as amended, relating to leave to be employed at a charter school, so as to provide that a charter school is a covered employer with respect to the South Carolina Retirement Systems for certain school district employees; to amend § 59-40-220, relating to the South Carolina public charter school district, so as to provide that the prohibition against the South Carolina Public Charter School District having a local tax base and receiving local property taxes does not extend to certain local funds; to amend § 59-18-920, relating to report card requirements for charter and other schools, so as to provide that the performance of charter school students must not be included in the overall performance ratings of the local school district unless there is a mutual agreement to include scores in the local district ratings; and by adding § 59-19-350 so as to provide that a local school district board of trustees desirous of creating an avenue for new, innovative, and more flexible ways of educating children within their district may create a school of choice within the district that is exempt from state statutes which govern other schools in the district and regulations promulgated by the State Board of Education, and to provide for the requirements and procedures to implement these schools of choice. Effective May 14, 2012

**Jason Flatt Act.** Act 170 (R194, H. 4690) an act to amend the Code of Laws of South Carolina, 1976, so as to enact the "Jason Flatt Act" by adding § 59-26-110 so as to provide that the Department of Education shall require two hours of training in youth suicide awareness and prevention as a requirement for the renewal of credentials for individuals employed in middle schools and high schools; to require the Department to develop guidelines for training and materials that may be used by schools and school districts and to provide that school districts may approve training materials for training their employees; to provide that this training requirement may be satisfied through self-review of suicide prevention materials; and to provide that no cause of action results from the implementation of this act. Effective May 14, 2012

**Statutes Creating Certain Educational Boards and Commissions.** Act 176 (R203, S. 1307) act to amend § 59-7-10, Code of Laws of South Carolina, 1976, relating to the South Carolina Educational Television Commission, so as to add a member to be appointed from the seventh congressional district; to amend § 59-47-10, relating to the South Carolina School for the Deaf and the Blind Board of Commissioners, so as to add a member to be appointed from the seventh congressional district; to amend § 59-48-20, relating to the Special School Of Science and Mathematics Board Of Trustees, so as to add a board member to be appointed from the seventh congressional district and to eliminate the seat held by the chairman of the Joint Legislative Committee to study the State's Public Education System; to amend § 59-50-20, as amended, relating to the South Carolina Governor's School for Arts And Humanities Board Of Directors, so as to add a member to be appointed from the seventh congressional district; to amend § 59-53-10, relating to the State Board for Technical and Comprehensive Education, so as to add a board member to be appointed from the seventh congressional district; to amend § 59-103-10, relating to the State Commission on Higher Education, so as to add a member to be appointed from the seventh congressional district; to amend § 59-123-40, relating to the Medical University of South Carolina Board of Trustees, so as to add two members to be appointed from the seventh congressional district; to amend § 59-123-50, relating to the Medical University of South Carolina Board Of Trustees, so as to provide for the election of a member of the medical profession and a member of a nonmedical profession from the seventh congressional district; to amend § 59-125-20, as amended, relating to the Winthrop University Board of Trustees, so as to add a member to be appointed from the seventh congressional district; to amend § 59-125-30, as amended, relating to the election of the Winthrop University Board of Trustees, so as to designate the seat number for the newly established board member from the seventh congressional district for the Winthrop University Board of Trustees and to adjust the board member seat numbers accordingly; to amend § 59-127-20, relating to the South Carolina State University Board of Trustees, so as to add a member to be appointed from the seventh congressional district, to remove an at-large member, and to adjust the board member seat numbers accordingly; to amend § 59-130-10, as amended, relating to the College of Charleston Board of Trustees, so as to add two members to be appointed from the seventh congressional district and to adjust the board member seat numbers accordingly; to amend § 59-133-10, as amended, relating to the Francis Marion

University Board of Trustees, so as to reduce the number of board members for each congressional district from two to one, to add a member to be appointed from the seventh congressional district, to move five trustees to newly created at-large seats, and to adjust the board member seat numbers accordingly; to amend § 59-135-10, relating to the Lander University Board of Trustees, so as to reduce the number of board members for each congressional district from two to one, to add a member to be appointed from the newly created seventh congressional district, to move five trustees to newly created at-large seats, and to adjust the board member seat numbers accordingly; to amend § 59-136-110, relating to the Coastal Carolina University Board of Trustees, so as to reduce the number of board members for each congressional district from two to one, to add a member to be appointed from the newly created seventh congressional district, to move five trustees to newly created at-large seats, and to adjust the board member seat numbers accordingly; to amend § 60-1-10, relating to the South Carolina State Library Board, so as to add a member to be appointed from the newly created seventh congressional district and to eliminate one at-large seat; to amend § 60-13-10, relating to the South Carolina Museum Commission, so as to increase the number of commission members for the South Carolina Museum Commission and by adding a member to be appointed from the newly created seventh congressional district; to provide that any person elected or appointed to serve, or serving, as a member of any board or commission to represent a congressional district whose residency is transferred to another district by a change in the composition of the district may continue to serve the term of office for which he was elected or appointed; to provide that the appointing or electing authority shall appoint or elect an additional member on that board or commission from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires; to require that when a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires; and to allow for retention of current members of the various boards of trustees in the event elections are not held before June 30, 2012. Effective May 25, 2012

**Equal Access to Interscholastic Activities Act.** Act 203 (R212, S. 149) an act to amend the Code of Laws of South Carolina, 1976, so as to enact the "Equal Access to Interscholastic Activities Act" by adding § 59-63-100 so as to permit home school students and Governor's school students to participate in interscholastic activities of the school district in which the students reside subject to certain conditions, and to provide additional requirements for charter school students to participate in interscholastic activities. Effective June 7, 2012

**Higher Education Mission and Goals.** Act 213 (R243, H. 5051) an act to amend § 59-103-15, Code of Laws of South Carolina, 1976, relating to higher education mission and goals for all public higher education institutions in this State, so as to allow a four year college or university, with approval of the Commission on Higher Education, to offer a doctoral degree in Marine Science. June 7, 2012

**Teacher Contracts.** Act 231 (R283, H. 3028) an act to amend § 59-26-40, as amended, Code of Laws of South Carolina, 1976, relating to induction, annual, and continuing contracts for teachers, so as to increase the induction contract period from one year to three years, and further provide for provisions of law pertaining to teacher contracts and employment. Effective June 18, 2012

## Title 60 - Libraries, Archives, Museums and Arts

## Title 61 - Alcohol and Alcoholic Beverages

**Wine Requirements.** Act 121 (R129, H. 3630) an act to amend § 61-4-720, Code of Laws of South Carolina, 1976, relating to the sale of wine by a licensed winery located in South Carolina, so as to eliminate the requirement that a majority of the juice used in the wine be derived from fruit or berries grown in this state; and to amend § 61-4-730, relating to the sale of wine by permitted wineries, so as to allow a permitted winery that produces and sells wine produced on its premises to sell the wine, under certain circumstances, at retail, wholesale, or both, to clarify the circumstances under which a permitted winery is not deemed a wholesaler of wine and must use a licensed South Carolina wholesaler to deliver or ship wine to licensed retailers, and to provide penalties. Effective February 22, 2012

**Temporary Permits for the Sale of Alcohol.** Act 266 (R312, H. 5098) an act to amend § 61-6-2010, as amended, Code of Laws of South Carolina, 1976, relating to temporary permits for the possession, sale, and consumption of alcoholic liquors by the drink in a county or municipality upon a favorable referendum vote, so as to further provide for those elections which constitute general elections for purposes of the referendums required under this section, and to provide for the procedures and requirements pertaining to the conduct of these referendums. Effective June 18, 2012

## Title 62 - South Carolina Probate Code

**Uniform Principal and Income Act.** Act 204 (R213, S. 429) an act to amend § 62-7-918, Code of Laws of South Carolina, 1976, relating to the Uniform Principal and Income Act, so as to provide for the process to determine the allocation of payment made from a separate fund to certain trusts and to provide comment; and to amend § 62-7-929, relating to the Uniform Principal and Income Act, so as to provide the source of funds that must pay for a tax on a trust's share of the taxable income of the entity and to provide comment. Effective June 7, 2012

## Title 63 - South Carolina Children's Code

**Department of Juvenile Justice.** Act 227 (R264, S. 300) an act to amend § 63-19-1440, Code of Laws of South Carolina, 1976, relating to commitment of juveniles to the Department of Juvenile Justice, so as to authorize the Department of Juvenile Justice to allow a juvenile who is temporarily committed to its custody, after being adjudicated for a status offense, misdemeanor offense, or a probation violation or contempt, to undergo a community evaluation while residing in his home or in his home community with certain safeguards and exceptions; and by adding § 63-19-1835 so as to provide that the Department of Juvenile Justice may grant up to a ten-day reduction each month to probationers and parolees who are compliant with the terms of their supervision. Effective June 18, 2012

**Legal Custody or Placement of a Child Prohibited to a Person on Sex Offender Registry.** Act 238 (R298, H. 4473) an act to amend § 63-7-2340, Code of Laws of South Carolina, 1976, relating to fingerprint reviews of potential foster parents, so as to provide that a person who is applying for approval for adoption placement must also undergo a fingerprint review; to amend § 63-7-2345, relating to payment of costs to the Federal Bureau of Investigation for fingerprint reviews, so as to provide that the Department of Social Services may use funds appropriated for foster care to pay for fingerprint reviews conducted by the Federal Bureau of Investigation for foster care families recruited and selected as potential foster care and adoptive families for children in the custody of the Department of Social Services; to amend § 63-7-2350, relating to restrictions on foster care placements, so as to restrict the placement of a child in foster care or for adoption placement with a person who has been convicted of or pled guilty or nolo contendere to certain offenses or if a person residing in the home who is eighteen years of age or older has been convicted of or pled guilty or nolo contendere to certain offenses. Effective June 18, 2012

**Juvenile Parole Board Members to Receive a Hearing Fee.** Act 246 (R273, S. 1099) an act to amend the Code of Laws of South Carolina, 1976, by adding § 63-19-650 so as to provide that members of the Board Of Juvenile Parole shall receive compensation in an amount provided by the General Assembly in the annual General Appropriations Act; and to amend § 24-21-55, relating to a hearing fee for the Department of Probation, Parole and Pardon Services, so as to instead provide for compensation to be received in an amount provided by the General Assembly in the annual General Appropriations Act. Effective June 18, 2012

**Procedures and Requirements of Court-Ordered Child Custody.** Act 259 (R301, H. 4614) an act to amend the Code of Laws of South Carolina, 1976, by adding Article 2 to Chapter 15, Title 63 so as to specify certain procedures and requirements for court-ordered child custody, including, but not limited to, defining "joint custody" and "sole custody", requiring each parent to prepare and submit a parenting plan or to jointly submit a plan, which the court must consider before issuing temporary and final custody orders, and providing that the South Carolina Supreme Court shall develop rules and forms for implementation of the parenting plan; to require the court to make final custody determinations in the best interest of the child based upon the evidence presented, to require the court to consider joint custody if either parent seeks it, as well as all custody options, stating in its final order the reasoning for its custody determination, and to allow the court to allocate parenting time regardless of the custody determination; to provide matters that may be included in a custody order and to provide factors the court may consider in issuing or modifying a custody order when considering the best interest of the child; to provide that if a court determines in its order that telephonic and electronic communications with the parent is in the best interest of the child, each parent should facilitate opportunities providing for such communications; to provide that regardless of custody arrangements and unless otherwise prohibited by an order of the court, parents have equal access and rights to obtain all educational and medical records of their children and to participate in their children's school and extracurricular activities; and to create the South Carolina Family Court Study Committee to study the feasibility of tracking the outcome of contested custody proceedings and to provide for its membership, staffing, and reporting. See Act for Effective Date

**Child Support.** Act 273 (R317, H. 3400) an act to amend § 63-3-530, as amended, Code of Laws of South Carolina, 1976, relating to jurisdiction of the Family Court in certain matters, so as to provide that no arrearage may accrue on a child support obligation which terminates when the child turns eighteen, graduates from high school, or the last day of the school year when the child turns nineteen after the date of the appropriate event. Effective June 26, 2012