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Title 56 - Motor Vehicles

CHAPTER 7.

TRAFFIC TICKETS

SECTION 56-7-10. Use of uniform traffic ticket; vesting of jurisdiction; forms; utilization of electronic devices.

There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

Offense Citation

Interfering with Police Officer Serving Process Section 16"5"50

Dumping Trash on Highway/Private Property Section 16"11"700

Indecent Exposure Section 16"15"130

Disorderly Conduct Section 16"17"530

Discharging Fireworks from Motor Vehicle Section 23"35"120

Damaging Highway Section 57"7"10

Place Glass, Nails, Etc. on Highway Section 57"7"20

Obstruction of Highway by Railroad Cars, Etc. Section 57"7"240

Signs Permitted on Interstate Section 57"25"140

Brown Bagging Section 61"5"20

Drinking Liquors in Public Conveyance Section 61"13"360

Poles Dragging on Highway Section 57"7"80

Open Container Section 61"9"87

Purchase or Possession of Beer or Wine by a Person Under Section 63"19"2440

Age

Purchase or Possession of Alcoholic Liquor by a Person Section 63"19"2450

Under Age Twenty"One

Unlawful Possession and Consumption of Alcoholic Liquors Section 61"5"30

Sale of Beer or Wine on Which Tax Has Not Been Paid Section 61"9"20

Falsification of Age to Purchase Beer or Wine Section 61"9"50

Unlawful Purchase of Beer or Wine for a Person Who Cannot Section 61"9"60

Legally Buy

Unlawful Sale or Purchase of Beer or Wine, Giving False Section 61"9"85

Information as to Age, Buying Beer or Wine Unlawfully for

Another

Employment of a Person Under the Age of Twenty"One as an Section 61"13"340

Employee in Retail or Wholesale or Manufacturing Liquor

Business

Failure to Remove Doors from Abandoned Refrigerators Section 16"3"1010

Malicious Injury to Animals or Personal Property Section 16"11"510

Timber, Logs, or Lumber Cutting, Removing, Transporting Section 16"11"580

Without Permission, Valued at Less Than Fifty Dollars

Littering Section 16"11"700

Larceny of a Bicycle Valued at Less Than One Hundred Section 16"13"80

Dollars

Cock Fighting Section 16"17"650

Ticket Scalping Section 16"17"710

Glue Sniffing Section 44"53"1110

Trespassing Section 16"11"755

Trespassing Section 16"11"600

Trespassing Section 16"11"610

Trespassing Section 16"11"620

Negligent Operation of Watercraft; Operation of Watercraft Section 50"21"110

While Under Influence of Alcohol or Drugs

Negligence of Boat Livery to Provide Proper Equipment and Section 50"21"120

Registration

Interference with Aids to Navigation or Regulatory Markers Section 50"21"170

or Operation of Watercraft in Prohibited Area

Operation of Watercraft Without a Certificate of Title Section 50"23"190

Parking on private property without permission Section 16"11"760

Certificate of Veterinary Inspection; Requirement for Section 47"4"60

Out-of-State Livestock or Poultry

Inhibition of Livestock Inspection Section 47"4"120

Imported Swine Section 47"6"50

Operating Equine Sales Facility or Livestock Market Without Section 47"11"20

Permit

Liability of Person Removing Livestock for Slaughter Section 47"11"120

Notice to Disinfect Section 47"13"310

Quarantine of Livestock or Poultry Section 47"4"70

Unlawful for Horse to Enter State Unless Tested Section 47"13"1350

Quarantine of Exposed Horses Section 47"13"1360

Proof of Test Required for Public Assembly of Horses Section 47"13"1370

False Certificates Section 47"13"1390

Unlawful to Feed Garbage to Swine Section 47"15"20

Notification Required from Certain Persons Disposing of Section 47"15"40

Garbage

Sale of Uninspected Meat and Meat Products Section 47"17"60

Sale of Uninspected Poultry and Poultry Products Section 47"19"70

No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders', and magistrates' courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.

SECTION 56-7-12. Verification of insurance coverage upon issuance of traffic ticket; form; penalty.

(A) When the operator or owner of an individual private passenger automobile as defined in Section 38-77-30(5.5) is issued a traffic ticket for a moving violation by a law enforcement officer, he may be furnished a written request form to be completed by him and his insurance company or the agent issuing the policy to verify liability insurance coverage. The form must be prescribed by the Department of Motor Vehicles and the Department of Public Safety.

(B) The completed and verified form must be returned by the operator or owner to the local law enforcement agency issuing the traffic ticket within fifteen days from the date he receives it. Failure to return the form verified in the proper manner is prima facie evidence that the vehicle was uninsured.

(C) The director or his designee of the department shall waive the reinstatement fee or per diem fine, or both, imposed upon the owner or operator of the motor vehicle pursuant to this section for his failure to complete and return the insurance verification form if he has liability insurance coverage when determined to be uninsured by the department. The Department of Motor Vehicles shall document its reasons for waiving the fees or fines in the records of the department.

(D) No person knowingly may furnish or aid another in the submission of false or misleading information in the completed and verified form. A person who knowingly furnishes or aids another in submitting false or misleading information regarding the verification of liability insurance is subject to the penalties in Section 56-10-260.

(E) This section applies only to owners and operators of motor vehicles registered under the laws of South Carolina.

(F) Motor vehicles determined to be uninsured under this section are subject to Sections 56-10-240 and

56-10-245.

(G) The operator of the motor vehicle shall present the written request form for verification of liability insurance coverage to the owner of the vehicle. Failure by the operator to give the form to the owner is prima facie evidence that the operator knowingly furnished false and misleading information to the department.

However, the form must have the following sentence on its face in bold type, all capitals, and large print: "THE OWNER OR OPERATOR OF A MOTOR VEHICLE WHO IS ISSUED THIS FORM SHALL COMPLETE AND RETURN THE FORM TO THE ISSUING AGENCY WITHIN FIFTEEN DAYS OR IS SUBJECT TO A TWO HUNDRED DOLLAR REINSTATEMENT FEE AND FIVE DOLLAR A DAY FINE PURSUANT TO SOUTH CAROLINA LAW. IF YOU ARE NOT THE OWNER OF THE MOTOR VEHICLE, YOU SHALL PRESENT THIS FORM TO THE OWNER OR YOU ARE SUBJECT TO FINE AND IMPRISONMENT." The officer shall read aloud this sentence to the owner or operator of the motor vehicle upon furnishing the written request form to verify liability insurance coverage.

SECTION 56-7-15. Use of uniform traffic ticket for offense committed in officer's presence; domestic violence arrests and incident report.

(A) The uniform traffic ticket, established pursuant to the provisions of Section 56-7-10, may be used by law enforcement officers to arrest a person for an offense committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrates court and municipal court. A law enforcement agency processing an arrest made pursuant to this section must furnish the information to the State Law Enforcement Division as required in Chapter 3, Title 23.

(B) An officer who effects an arrest, by use of a uniform traffic ticket, for a violation of Chapter 25, Title 16 shall complete and file an incident report immediately following the issuance of the uniform traffic ticket.

SECTION 56-7-20. Handwritten and electronic traffic tickets; number, color and disposition copies.

Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one, blue printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional white printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer.

SECTION 56-7-30. Printing and ordering traffic tickets; forwarding driver records and audit copies to Department of Motor Vehicles; electronic tickets.

(A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The Department of Motor Vehicles records and audit copy must be forwarded to the Department of Motor Vehicles within ten days of the disposition of the case by final trial court action or by nolle prosequi. The head of each law enforcement agency is responsible for the forwarding of the driver records and audit copies to the Department of Motor Vehicles and for conducting an annual inventory on December thirty-first of all tickets received but not disposed of by final trial court action or by nolle prosequi, and for forwarding the results of the inventory on a form prescribed by the Department of Motor Vehicles to the Department of Motor Vehicles within ten days of the completion of the inventory.

(B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56-7-10 may generate a printed copy of this ticket by using an in-car data terminal or hand held device. A copy of the ticket must be given to the offender. The agency may then transmit the ticket data

electronically to the Department of Motor Vehicles for its records and for audit purposes, the law enforcement agency by which the arresting officer is employed, and the trial officer for his records. If any of these entities does not have the capability to accept the ticket data solely using electronic means, the arresting agency must provide the entity with a printed copy of the ticket generated by the in-car data terminal or hand held device. Data transmissions to the Department of Motor Vehicles must be made pursuant to that agency's electronic system specifications. Printed copies provided to the Department of Motor Vehicles must meet that agency's document processing requirements.

SECTION 56-7-40. Penalty for failure to account for ticket or use of nonuniform ticket.

Any person intentionally violating the provisions of Section 56-7-10 or 56-7-30 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely forward the Department of Motor Vehicles records copy or audit copy of a ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department records or audit copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrate's court and upon conviction shall be punishable by a fine of not more than one hundred dollars. Any person charged with failing to timely forward the results of the annual inventory shall be tried in magistrate's court and upon conviction shall be fined not more than one hundred dollars.

SECTION 56-7-50. Nonapplicability to certain agencies.

The provisions of this chapter shall not apply to the South Carolina Department of Natural Resources or to any of its agents.

SECTION 56-7-70. Law enforcement officer identification upon stopping a driver.

When a law enforcement officer stops a driver for a violation of the motor vehicle laws, he shall present his law enforcement badge or other appropriate identification to the driver immediately upon approaching him and before questioning.

SECTION 56-7-80. County or municipal uniform ordinance summons.

(A) Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons. Any county or municipality adopting the ordinance summons is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity.

(B) The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

(C) An ordinance summons must cite only one violation per summons and must contain at least the following information:

- (1) the name and address of the person or entity charged;
- (2) the name and title of the issuing officer;
- (3) the time, date, and location of the hearing;
- (4) a description of the ordinance the person or entity is charged with violating;
- (5) the procedure to post bond; and

(6) any other notice or warning otherwise required by law.

The ordinance summonses must be consecutively and discretely numbered. The ordinance summonses must be audited as part of the annual independent audit required in Section 4-9-150 for counties and in Section 5-7-240 for municipalities, and a separate copy of each audit must be furnished to the chief administrative officer of the county or municipality, as appropriate.

(D) Service of a uniform ordinance summons vests all magistrates' and municipal courts with jurisdiction to hear and dispose of the charge for which the ordinance summons was issued and served.

(E) Any law enforcement officer or code enforcement officer who serves an ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate or municipal judge. Acceptance of an ordinance summons constitutes a person's recognizance to comply with the terms of the summons.

(F) Any person who fails to appear before the court as required by an ordinance summons, without first having posted such bond as may be required or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Any law enforcement agency processing an arrest made pursuant to this subsection must furnish such information to the State Law Enforcement Division as required by Chapter 3 of Title 23.

(G) This statute does not prohibit a county or municipality from enforcing ordinances by means otherwise authorized by law.