



Intoxalock
IGNITION INTERLOCK



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New Legislation Summary – South Carolina

Name of the Legislation/Rules: 2023 Senate Bill 36

Effective Date: 5/19/2024

Summary

Effective May 19th, 2024, South Carolina becomes the 35th State to adopt a mandatory all-offender Ignition Interlock program. The summary below provides additional context around these upcoming changes.

All-Offender

The Department of Motor Vehicles shall require a person who is convicted of violating a first through fourth offense of DUI at a BAC of .08 or who is issued a temporary alcohol license, to have installed on any motor vehicle the person drives (excluding mopeds and motorcycles), an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages.

The interlock requirement is mandated after arrest if the person waives their right to challenge their suspension in a contested case hearing or if their suspension is upheld after the contested case hearing.

The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted for a DUI offense over .08 BAC:

- For a **first** offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section [56-5-2941](#), end the suspension, and obtain an ignition interlock restricted license pursuant to Section [56-1-400](#). The ignition interlock device is required to be affixed to the vehicle for six months.
- For a **second offense**, a person shall enroll in the Ignition Interlock Device Program pursuant to Section [56-5-2941](#), end the suspension, and obtain an ignition interlock restricted license pursuant to Section [56-1-400](#). The ignition interlock device is required to be affixed to the vehicle for two years.
- For a **third offense**, a person shall enroll in the Ignition Interlock Device Program pursuant to Section [56-5-2941](#), end the suspension, and obtain an ignition interlock restricted license pursuant to Section [56-1-400](#). The ignition interlock device must be affixed to the vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.
- For **fourth or subsequent offenses**, a person shall enroll in the Ignition Interlock Device Program pursuant to Section [56-5-2941](#), end the suspension, and obtain an ignition interlock restricted license pursuant to Section [56-1-400](#). The ignition interlock device must be affixed to the individual's vehicle for life.

Test Refusal

The Department of Motor Vehicles shall suspend the driver's license to a person who drives a motor vehicle and refuses to submit to a BAC test. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation.

Within thirty days of the issuance of the notice of suspension, the person may:

- Request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure;
- Enroll in the Ignition Interlock Device Program pursuant to Section [56-5-2941](#); and
- Obtain a temporary alcohol license with an ignition interlock device restriction

The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition

interlock restriction has been removed, the person can obtain a temporary alcohol license without an ignition interlock restriction.

Ignition Interlock License

In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program, end their suspension or denial of the issuance of a license, and obtain an ignition interlock restricted license.

- The ignition interlock device must be affixed to the vehicle equal to the length of time remaining on the person's suspension or denial of a license or permit.
- If the time remaining is less than three months, the ignition interlock device must be affixed to the motor vehicle for three months.
- The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.
- Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person cannot subsequently choose to serve the suspension.
- A person's driver's license must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant has concluded
- A person shall be attending or have completed an Alcohol and Drug Safety Action Program before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

Habitual offender

No license to operate motor vehicles in this State may be issued to an habitual offender for a period of five years from the date of a determination by the Department of Motor Vehicles that a person is an habitual offender unless the period is reduced to two years, the person's habitual offender status were alcohol-related offenses, and the person has enrolled in the Ignition Interlock Device Program and has obtained a license with an ignition interlock restriction.

The ignition interlock device must be affixed to the motor vehicle equal to the time remaining on the person's suspension or denial of a license or permit. If the time remaining is less than three months, the ignition interlock device must be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person cannot subsequently choose to serve the suspension.