**South Carolina General Assembly**

125th Session, 2023-2024

**S. 133**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

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Currently residing in the Senate Committee on **Fish, Game and Forestry**

Summary: Sea Turtle Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Fish, Game and Forestry**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 75)

 1/10/2023 Senate Referred to Committee on **Fish, Game and Forestry** (Senate Journal‑page 75)

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/133_20221201.docx)

A bill

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 50, ENTITLED THE “SEA TURTLE PROTECTION ACT”, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL ESTABLISH DESIGNATED COASTAL AREAS WHICH ARE UTILIZED OR LIKELY TO BE UTILIZED BY SEA TURTLES FOR NESTING, TO DEFINE NECESSARY TERMS, TO PROHIBIT THE USE OF ARTIFICIAL LIGHT TO ILLUMINATE AN AREA OF THE BEACH DESIGNATED BY THE DEPARTMENT, TO ESTABLISH REQUIREMENTS FOR CERTAIN TYPES OF LIGHTING, AND TO PROVIDE A PENALTY.

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

SECTION 1. Chapter 15, Title 50 of the S.C. Code is amended by adding:

 Article 7

 Sea Turtle Protection Act

 Section 50‑15‑700. For the purposes of this article:

 (1) “Artificial light” means a source of light emanating from a man made device including, but not limited to, incandescent mercury vapor, metal halide or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction, or security lights.

 (2) “Beach” means those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.

 (3) “Floodlight” means an unshielded reflector type light fixture which is attached directly to a building.

 (4) “Low profile luminaire” means a light fixture set on a base that raises the source of the light no higher than forty eight inches off the ground and is designed in such a way that light is directed downward from a hooded light source.

 (5) “New development” means new construction of a structure or the remodeling of an existing structure when the remodeling includes the alteration of exterior lighting.

 (6) “Person” means any individual, firm, corporation, association, or partnership.

 (7) “Pole lighting” means a light fixture set on a base or pole that raises the source of the light higher than forty eight inches off the ground.

 (8) “Shading coefficient” means a coefficient expressing the percentage of the incident radiation which passes through the window as heat.

 Section 50‑15‑710. The department must establish designated coastal areas within the State which are utilized or are likely to be utilized by sea turtles for nesting. Once these designations are finalized, the department must publish a map of the coast with the designated areas clearly marked on its website.

 Section 50‑15‑720. (A) No artificial light may illuminate an area of the beach designated by the department pursuant to Section 50 15 710. Any building plans for construction of a single family dwelling, multifamily dwelling, or commercial structure, or electrical plans associated with parking lots, dune walkovers, or other outdoor lighting, if the light can be seen from the beach, must comply with the following:

 (1) Floodlights are prohibited and wall mounted light fixtures must be fitted with hoods so that no light illuminates the beach.

 (2) Pole lighting must be shielded in such a way that light is contained within an arc of three to seventy three degrees on the seaward side of the pole. Outdoor lighting must be held to the minimum necessary for security and convenience.

 (3) Low profile luminaries must be used in parking lots and the lighting must be positioned so that no light illuminates the beach.

 (4) Low profile shielded luminaries must be used for dune crosswalks.

 (5) Balcony lights must be fitted with hoods so that the light will not illuminate the beach.

 (6) The plan shall utilize tinted glass, filmed glass, or shade screens on windows facing the ocean above the first floor of a multistory structure when practical.

 (B) Temporary security lights at construction sites may not be mounted more than fifteen feet above the ground. Illumination from the lights may not spread beyond the boundary of the property being developed and in no case may the lights illuminate the beach.

 (C) Within twelve months of the effective date of this section, the lighting on existing structures that can be seen from a beach must be in compliance with the following:

 (1) Artificial lighting illuminating buildings or associated grounds for decorative or recreational purposes must be shielded or screened to ensure they are not visible from the beach or turned off after 10:00 pm between May first and October thirty first of each year.

 (2) Artificial lighting illuminating dune crosswalks of an area oceanward of the dune line must be turned off after 10:00 pm between May first and October thirty first of each year.

 (3) Security lighting is permitted only if low profile luminaries are used and screened in such a way that those lights do not illuminate the beach.

 (4) Window treatments in windows facing the ocean above the first floor of a multistory structure must prevent the interior lights from illuminating the beach.

 (D) Street lights and lighting at parks or other publicly owned beach access areas must be:

 (1) located so that the bulk of the illumination will travel away from the beach; and

 (2) shielded, shaded, or not utilized between May first and October thirty first of each year.

 Section 50‑15‑730. A person who violates the provisions of this article must be given five days’ notice to come into compliance. Failure to comply shall result in a fine not to exceed five hundred dollars and not less than two hundred dollars. Each day in violation of this article constitutes a separate offense. Enforcement of this article resides within a law enforcement agency with jurisdiction over the property, the county building inspector, or an agent designated by the county council.

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

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