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CHAPTER 26.

OPERATION OF VENDING FACILITIES BY BLIND PERSONS

**SECTION 43‑26‑10.** Definitions.

For the purpose of this chapter:

(a) "Blind persons" means persons who are visually handicapped as defined in Section 43‑25‑20 of the 1976 Code.

(b) "License" means a written instrument issued by the Commission pursuant to this chapter authorizing a blind person to operate a vending facility on State, Federal or other property.

(c) "Public property" means any buildings or land owned, leased or occupied by any department or agency of the State or any instrumentality wholly owned by the State or by any county or municipality or other local governmental entity.

(d) "Vending facility" means such shelters, counters, shelving display and wall cases, refrigeration apparatus, heating or cooking apparatus, and other appropriate auxiliary equipment as is necessary for the vending of such articles as may be approved by the Commission. This definition specifically includes any manual or coin operated vending facilities, snack bars and cafeterias.

(e) "Commission" means the South Carolina Commission for the Blind.

(f) "Property custodian" means any person, officer or employee of a department, agency, board, commission, educational institution or any other branch of State, county, municipal or other local government who is charged with the responsibility of care, custody and control of public property.

HISTORY: 1978 Act No. 565 Section 1.

**SECTION 43‑26‑20.** Powers of Commission.

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and assisting blind persons to become self‑supporting, the Commission is authorized to promote the employment of blind persons, including the licensing and establishment of such persons as operators of vending facilities in or on public and other property. The Commission shall cooperate with the United States Government in the administration of the vending facility program for the blind on Federal property, and shall adopt such methods of operation and take such action as may be required to secure the full benefits of the Federal program.

HISTORY: 1978 Act No. 565 Section 2.

**SECTION 43‑26‑30.** Duties of Commission.

In carrying out this chapter, the Commission:

(a) Shall promulgate regulations governing:

1. Personal standards;

2. The protection of records and confidential information;

3. The eligibility for licensing of blind persons as vending facility operators;

4. Termination of licenses;

5. The title to vending facility equipment and the interests in stocks of merchandise;

6. Procedures for fair hearings; and

7. Such other regulations as may be necessary to carry out the purposes of this chapter.

(b) Shall appoint such personnel as may be necessary for the administration of the vending facility program.

(c) Shall make surveys to find locations where vending facilities may be properly and satisfactorily operated by blind persons.

(d) Shall furnish each vending facility established pursuant to this chapter with adequate, suitable equipment and shall be responsible for the maintenance and repair of such equipment to the operator without cost, and shall furnish each such facility with an adequate initial stock of merchandise.

(e) Shall provide such management and supervisory services as are deemed necessary by the Commission to assure that such vending facility will be operated in the most effective and productive manner possible without cost to the operator.

(f) Shall take such other action as may be necessary or appropriate to carry out the purposes of this chapter.

(g) May accept gifts and donations made unconditionally or subject to such conditions as the Commission may deem appropriate, for the purpose of carrying out this chapter, and may use, hold, invest or reinvest such gifts for such purposes.

HISTORY: 1978 Act No. 565 Section 3.

**SECTION 43‑26‑40.** Licenses for operation of vending facilities; hearing and termination.

In issuing licenses for the operation of vending facilities by blind persons, the Commission shall give preference to applicants who are in need of employment. Licenses shall be issued only to applicants who are "blind persons" within the meaning of this chapter, who are eighteen years of age or older and are residents of this State. All licenses shall be for one year, but the Commission may renew licenses upon application of the license holder prior to the expiration of the then existing license. A license may be terminated by the Commission when the commission is satisfied that the vending facility is not being operated in accordance with the regulations promulgated by it.

The Commission shall be responsible for securing on behalf of its licensees the issuance of any license or permit required by another State agency or political subdivision of the State for the conduct of such business; but any such license shall be issued free of charge to a qualified blind person licensed by the Commission.

A hearing shall be granted by the Commission if requested by the licensee. The license shall not be terminated unless a majority of all of the members of the Commission after the hearing vote to terminate it.

HISTORY: 1978 Act No. 565 Section 4.

**SECTION 43‑26‑50.** Options to establish vending facilities operated by blind persons.

(a) The property custodians for all public property shall:

1. Prior to granting a permit or renewing a permit for the sale of articles listed in Section 43‑26‑60, on or in the public property within their control, grant the Commission an option to establish a vending facility operated by a blind person for the sale of such articles in a manner as such custodian may deem necessary.

2. Cooperate with the Commission in surveys of property under its control to find suitable locations for the operation of vending facilities, and grant an option for the establishment of such facilities to the Commission as the needs are determined.

(b) The Commission shall, upon receipt of the notice of the option, determine the availability of blind persons capable and desirous of operating the vending facility in the manner proposed. The Commission shall notify the property custodian of its intent to exercise the option within thirty days of receipt thereof. Provided, however, that the actual establishment of the facility shall take place within a reasonable period of time.

(c) If the Commission determines not to exercise its option, it shall issue to the property custodian a certificate of this intent. No permit to any person, other than one licensed by the Commission, shall be issued or renewed for the sale of articles listed in Section 43‑26‑60 on or in public property in the absence of this certificate.

(d) If the Commission shall determine to exercise its option, the property custodian shall issue to the Commission free of charge a permit for the operation of a vending facility and cooperate with the Commission in the installation of such facility. No charge shall be made for the installation or operation of a vending facility.

(e) All contracts or permits entered into or issued after the effective date of this chapter shall be voidable if not in conformity with the provisions of this chapter.

HISTORY: 1978 Act No. 565 Section 5.

**SECTION 43‑26‑60.** Articles which may be sold at such facilities.

A vending facility operated pursuant to this chapter shall be used for the vending of newspapers, periodicals, confections, chewing gum, tobacco products, picture postcards, hot and cold beverages, hot and cold foods, both prepackaged and fresh, any or all of these articles, and such other articles as are approved by the Commission and by the property custodian in charge of the property whereon the vending facility is located.

HISTORY: 1978 Act No. 565 Section 6.

**SECTION 43‑26‑70.** Space for such facilities in new construction or remodeling of public buildings; costs.

When new construction, remodeling, leasing, acquisition and improvement of public property subject to this chapter is authorized, due consideration shall be given to planning and making available suitable space and facilities for vending facilities to be operated by blind persons. When existing public property is altered or remodeled at the request of the Commission to accommodate a vending facility, the cost of such alteration or remodeling shall be borne by the Commission.

HISTORY: 1978 Act No. 565 Section 7.

**SECTION 43‑26‑80.** Blind vendors may have guide dogs on public property.

Blind persons who are licensed by the Commission to operate vending facilities shall be allowed to have their guide dogs present with them while on public property, any state, county or municipal laws, regulations, ordinances to the contrary notwithstanding. Provided, however, that this section shall in no manner affect or limit the provisions of Chapter 33 of Title 43 of the 1976 Code.

HISTORY: 1978 Act No. 565 Section 8.

**SECTION 43‑26‑90.** Buildings not subject to chapter.

This chapter does not apply to hospitals, four‑year institutions of higher learning and their branches, public elementary and secondary schools, technical education institutions, the South Carolina State Museum, property under the Patriots Point Development Authority jurisdiction, facilities devoted primarily to athletics, or to state, municipal, county, or civic center auditoriums and assembly halls. As many as two coin operated vending machines may be placed in buildings on the public property if the machines are not located in a building where there is a vending facility operated by the commission.

HISTORY: 1978 Act No. 565 Section 9; 2004 Act No. 205, Section 1, eff April 26, 2004; 2008 Act No. 353, Section 2, Pt 6A.1, eff July 1, 2008.

**SECTION 43‑26‑100.** Effect on existing vending facilities operated by the blind.

Notwithstanding any other provisions of this chapter, no vending facility operated by a blind person on public property, including technical education institutions, on the effective date of this chapter shall be terminated or closed without written approval of the Commission and such approval shall not be unreasonably withheld.

HISTORY: 1978 Act No. 565 Section 10.

**SECTION 43‑26‑110.** Existing facilities may not be sold until option to lease given to Commission.

Notwithstanding any other provisions of this chapter a vending facility operated on public property prior to the effective date of this chapter may continue to operate but may not be sold or subleased by the lessee until the Commission has been granted a thirty‑day option to lease the facility.

HISTORY: 1978 Act No. 565 Section 11.