

Item #	Statute/Regulation/Provisos	State or Federal	Summary of Statutory Requirement and/or Authority Granted	Basis for Recommended Further Evaluation	Text of Law
3	SC Code Sections 57-5-820 and 830	State	Consent required for highway work within municipalities.	Recommend that this be modified to exclude sub-standard bridge replacements.	<p>SECTION 57-5-820. Consent of municipality to work on State highways; exception; definitions.</p> <p>As used in this section and Section 57-5-830:</p> <p>"Structurally deficient" means not adequate to handle the vehicle weights authorized on roads leading to them.</p> <p>"Functionally obsolete" means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.</p> <p>All work to be performed by the Department on state highways within a municipality must be with the consent and approval of the proper municipal authorities, except that work performed or to be performed on a bridge and its approaches, certified by the Department as functionally obsolete or structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway.</p> <p>HISTORY: 1962 Code Section 33-172; 1952 Code Section 33-172; 1951 (47) 457; 1983 Act No. 39 Section 1.</p> <p>SECTION 57-5-830. Assent of municipality to plans; exception.</p> <p>In every case of a proposed permanent improvement, construction, reconstruction, or alteration by the Department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the Department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway.</p> <p>HISTORY: 1962 Code Section 33-173; 1952 Code Section 33-173; 1951 (47) 457; 1969 (56) 154; 1983 Act No. 39 Section 2.</p> <p>SECTION 57-5-820. Consent of municipality to work on State highways; exception; definitions.</p>
7	SC Code Sections 57-3-110 and 200	State	These statutes imply that SCDOT can advertise on SCDOT facilities.	This law provides a new revenue source for SCDOT by amending the statutes to explicitly allow advertising on SCDOT facilities to offset operations costs.	<p>SECTION 57-3-110. Powers and duties of Department of Transportation.</p> <p>The Department of Transportation shall have the following duties and powers:</p> <p>(1) lay out, build, and maintain public highways and bridges, including the exclusive authority to establish design criteria, construction specifications, and standards required to construct and maintain highways and bridges;</p> <p>(2) acquire such lands, road building materials, and rights-of-way as may be needed for roads and bridges by purchase, gift, or condemnation;</p> <p>(3) cause the state highways to be marked with appropriate directions for travel and regulate the travel and traffic along such highways, subject to the laws of the State;</p> <p>(4) number or renumber state highways;</p> <p>(5) initiate and conduct such programs and pilot projects to further research and development efforts, and to promote training of personnel in the fields of planning, construction, maintenance, and operation of the state highway system;</p> <p>(6) cooperate with the federal government in the construction of federal-aid highways in the development of improved mass transit service, facilities, equipment, techniques, and methods and in planning and research in connection therewith; and seek and receive such federal aid and assistance as may from time to time become available except for funds designated by statute to be administered by the Chief Executive Officer of the State;</p> <p>(7) instruct, assist, and cooperate with the agencies, departments, and bodies politic and legally constituted agencies of the State in street, highway, traffic, and mass transit matters when requested to do so, and, if requested by such government authorities, supervise or furnish engineering supervision for the construction and improvement of roads and bridges, provided such duties do not impair the attention to be given the highways in the state highway system;</p>

8	SC Code Section 57-5-1495	State	Current law does not allow collection of fines from toll violators who are nonresidents.	Propose to increase revenues by amending the statute to provide for collection from nonresident toll violators, implement reciprocity fir other state enforcement of toll violators.	<p>SECTION 57-5-1495. Collection of tolls.</p> <p>(A) As used in this section:</p> <p>(1) "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder the appropriate toll or charge by transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge.</p> <p>(2) "Lessor" means any person, corporation, firm, partnership, agency, association, or organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein the sa lessee has the exclusive use of the vehicle for any period of time.</p> <p>(3) "Lessee" means any person, corporation, firm, partnership, agency, association, or organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of the vehicles for any period of time.</p> <p>(4) "Owner" means a person or an entity who, at the time of a toll violation and with respect to the vehicle involved in the violation, is the registrant or co-registrant of the vehicle with the Department of Motor Vehicles of this State or another state, territory, district, province, nation, or jurisdiction.</p> <p>(5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of toll collection regulations.</p> <p>(6) "Toll violation" means the passage of a vehicle through a toll collection point without payment of the required toll.</p> <p>(7) "Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.</p>
9	SC Code Section 6-29-770	State	Agencies, departments, and subdivisions of this State that use real property, as owner or tenant, in any county or municipality in this State are subject to the zoning ordinances.	This law makes it more difficult to implement highway plans. Amend statute to make an exception for highway construction and maintenance.	<p>SECTION 6-29-770. Governmental entities subject to zoning ordinances; exceptions.</p> <p>(A) Agencies, departments, and subdivisions of this State that use real property, as owner or tenant, in any county or municipality in this State are subject to the zoning ordinances.</p> <p>(B) A county or agency, department or subdivision of it that uses any real property, as owner or tenant, within the limits of any municipality in this State is subject to the zoning ordinances of the municipality.</p> <p>(C) A municipality or agency, department or subdivision of it, that uses any real property, as owner or tenant, within the limits of any county in this State but not within the limits of the municipality is subject to the zoning ordinances of the county.</p> <p>(D) The provisions of this section do not require a state agency, department, or subdivision to move from facilities occupied on June 18, 1976, regardless of whether or not their location is in violation of municipal or county zoning ordinances.</p> <p>(E) The provisions of this section do not apply to a home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for the purpose. A home is construed to be a natural family or such similar term as may be utilized by any county or municipal zoning ordinance to refer to persons related by blood or marriage. Prior to locating the home for the handicapped persons, the appropriate state agency or department or the private entity operating the home under contract must first give prior notice to the local governing body administering the pertinent zoning laws, advising of the exact site of any proposed home. The notice must also identify the individual representing the agency, department, or private entity for site selection purposes. If the local governing body objects to the selected site, the governing body must notify the site selection representative of the entity seeking to establish the home within fifteen days of receiving notice and must appoint a representative to assist the entity in selection of a comparable alternate site or structure, or both. The site selection representative of the entity seeking to establish the home and the representative of the local governing body shall select a third mutually agreeable person. The three persons have forty-five days to make a final selection of the site by majority vote.</p>
11	SC Code Section 28-2-420(A)	State	The South Carolina Eminent Domain Procedure Act requires 8% interest on condemnation trial awards in takings of real property cases.	Amend to current Fed rate and only require on the difference in the amount paid to the condemnee and final judgment.	<p>SECTION 28-2-420. Interest on amount found to be just compensation; return of excess funds deposited with clerk of court.</p> <p>(A) A condemnor shall pay interest at the rate of eight percent a year upon sums found to be just compensation by the appraisal panel or judgment of a court to the condemnee. This interest shall accrue from the date of filing of the Condemnation Notice through the date of verdict or judgment by the court. Interest accruing on funds on deposit with the clerk of court must be offset against the interest computed pursuant to this section. Interest shall not accrue during the twenty-day period commencing upon the date of verdict or order of judgment. If the judgment is not paid within the twenty-day period, interest at the rate provided by law for interest on judgments must be added to the judgment. Thereafter, the entire judgment shall earn interest at the rate provided by law for interest on judgments.</p> <p>HISTORY: 1987 Act No. 173, Section 1.</p>

12	SC Code Section 28-2-470	State	Proceedings to challenge condemnor's right to condemn.	This law has the potential to create significant delays in projects. Revise to make clear that the provisions for precedence over the trial of condemnation cases on the civil roster given in 28-2-310 apply to inverse takings cases.	SECTION 28-2-470. Proceedings to challenge condemnor's right to condemn. An action challenging a condemnor's right to condemn must be commenced in separate proceedings filed in the court of common pleas in the county in which the property or a portion thereof is located. The action must be commenced within thirty days after service of the Condemnation Notice upon the landowner. All proceedings under the Condemnation Notice are automatically stayed until the disposition of the action, if any, unless the landowner and the condemnor consent otherwise. No issues involving the condemnor's right to condemn may be heard in the trial upon the issue of just compensation. HISTORY: 1987 Act No. 173, Section 1.
13	SC Code Sections 57-7-50 and 210	State	Penalties for obstructions in the right of way without a permit.	Reduce costs and delays imposed on SCDOT by increasing penalties from \$100 to \$1000-\$5,000, provide for 90 days removal, allow revocation of permits and temporary fence permits.	SECTION 57-7-50. Cutting trenches or laying pipes or tracks in State highways or bridges; permit. It shall be unlawful for any person to cut trenches or lay pipes or tracks through, under, over or on any State highway or bridge without first obtaining a permit from the State Highway Engineer. A violation of this section shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. HISTORY: 1962 Code Section 33-455; 1952 Code Section 33-455; 1949 (46) 466. SECTION 57-7-210. Obstructions in highways. It shall be unlawful for any person wilfully to obstruct ditches and drainage openings along any highway, to place obstructions upon any such highway or to throw or place on any such highway any objects likely to cut or otherwise injure vehicles using them. A violation of this section shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. HISTORY: 1962 Code Section 33-491; 1952 Code Section 33-491; 1949 (46) 466.
16	SC Code Section 12-28-2930	State	State set-asides for small businesses owned and controlled by socially and economically ethnic minorities (MBE's) and disadvantaged females (WBE's).	Request ability to proceed with a goal based program to mirror the federal-aid program.	SECTION 12-28-2930. Allocation of state source highway funds for construction and renovation projects to firms owned and controlled by disadvantaged ethnic minorities or women. (A)(1) Of total state source highway funds, including revenues generated by Section 12-28-2740, expended in a fiscal year on highway, bridge, and building construction, and building renovation contracts, the Department of Transportation and counties shall ensure that not less than: (a) five percent are expended through direct contracts with estimated values of two hundred fifty thousand dollars or less with small business concerns owned and controlled by socially and economically disadvantaged ethnic minorities (MBEs); (b) five percent are expended through direct contracts with estimated values of two hundred fifty thousand dollars or less with firms owned and controlled by disadvantaged females (WBEs). (2) The two hundred fifty thousand dollars value limits may be raised in the discretion of the department as MBEs/WBEs are able to provide bondability. (B) The department shall certify eligible firms under this section and shall give at least thirty days' notice to certified firms of contracts to be let. The department shall take into consideration the location and availability of MBE or WBE firms in the State when designating projects to be set aside. No certified MBE or WBE may participate after June 30, 1999, or nine years from the date of the firm's first contract, whichever is later, if that firm performed at least three million dollars in highway contracts for four consecutive years while certified as a WBE or MBE. Firms performing less than three million dollars in highway contracts for four consecutive years may be recertified for additional five-year periods based upon recertification reviews by the department. (C) To achieve the set-asides set forth in subsection (A), the department shall advertise a number highway construction projects at each regularly scheduled highway letting to be bid exclusively by MBEs and WBEs. The total annual value of those projects awarded must equal at least ten percent of total state source highway funds expended in each fiscal year, or otherwise documented as described in subsection (D). Projects must be awarded when the lowest responsive and responsible bidder submits a bid within ten percent of the official engineer's estimate. If the lowest responsive b
22	FY14-15 Proviso 84.1	State	Expenditure limitation	Recommend codification to make permanent.	84.1. (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including federal funds, general funds and proceeds from bond sales.
23	FY14-15 Proviso 84.2	State	Special Fund Authorization	Recommend codification to make permanent.	84.2. (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby authorized to set up with the State Treasurer such special funds out the Department of Transportation funds as may be deemed advisable for proper accounting purposes.

24	FY14-15 Proviso 84.3	State	Secure Bonds & Insurance	Recommend codification to make permanent.	84.3. (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security offered and the service of claims.
25	FY14-15 Proviso 84.4	State	Benefits	Recommend codification to make permanent.	84.4. (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from Department of Transportation funding sources.
26	FY14-15 Proviso 84.5	State	Document fees	Recommend codification to make permanent.	84.5. (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of fees to be charged for copies of records, lists, bidder's proposals, plans maps, etc. based upon approximate actual costs and handling costs of producing such copies, lists bidder's proposals, plans, maps, etc.
27	FY14-15 Proviso 84.6	State	Meals in Emergency Operations	Recommend codification to make permanent.	84.6. (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.
28	FY14-15 Proviso 84.7	State	Rest Area Water Rates	Recommend codification to make permanent.	84.7. (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district rates.
34	FY14-15 Proviso 117.52	State	Personnel Organization Chart	This requirement is automatically captured in SCEIS. Recommend deletion of this portion of the proviso.	117.52. (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or upon the request of the Division and (2) notification of any change to the agency's organizational structure which impacts an employee's grievance rights within thirty days of such change. The organizational chart shall be in form prescribed by the Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.
37	FY14-15 Proviso 117.73	State	Printed Report Requirements	Recommend consolidating.	117.73. (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.
38	FY14-15 Proviso 117.114	State	Welcome Centers	Recommend to delete.	117.114. (GP: Fiduciary Audit) Of the funds authorized for the Public Employee Benefit Authority, the authority shall transfer \$700,000 to the Office of Inspector General. The funds transferred shall be utilized by the Inspector General to employ a private audit firm to perform the fiduciary audit on the Public Employee Benefit Authority as required by Section 9-4-40 of the 1976 Code, as amended.
41	SC Code - Act 176 of 2005 and Act 98 of 2013	State	Non federal Aid Restrictions	Recommend the flexibility to use funds on most needed roads based on the Transportation Asset Management Plan.	