~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 14, 2009

**S. 562**

Introduced by Senator McConnell

S. Printed 5/14/09--S.

Read the first time March 11, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 562) to amend Section 56‑5‑750, Code of Laws of South Carolina, 1976, related to the failure of a driver to stop a motor vehicle when signaled by, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

FLOYD NICHOLSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Public Safety indicates that this bill would have no impact on the General Fund of the State or federal and/or others funds.

**LOCAL GOVERNMENT IMPACT:**

There is no impact to local governments with the adoption of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 56‑5‑750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO THE FAILURE OF A DRIVER TO STOP A MOTOR VEHICLE WHEN SIGNALED BY A LAW ENFORCEMENT VEHICLE, SO AS TO PROVIDE THAT A DRIVER MAY PROCEED TO A REASONABLY CLOSE AND SAFE LOCATION BEFORE STOPPING.

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

SECTION 1. Section 56-5-750(A) of the 1976 Code is amended to read:

“(A) In the absence of mitigating circumstances, it is unlawful for a motor vehicle driver, while driving on a road, street, or highway of the State, to fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. However, a driver may proceed to a reasonably close and safe location before stopping. The driver must proceed in a safe manner, observe the posted maximum speed limit, and allow the pursuing law enforcement officer to maintain appropriate surveillance of the vehicle. Nothing in this subsection prohibits a law enforcement officer from immediately stopping a vehicle if the officer believes the driver, a passenger, the vehicle, or the manner in which the vehicle is being driven is a threat to public safety. Except as provided in this subsection, ~~An~~ an attempt to increase the speed of a vehicle or in other manner avoid the pursuing law enforcement vehicle when signaled by a siren or flashing light is prima facie evidence of a violation of this section. Failure to see the flashing light or hear the siren does not excuse a failure to stop when the distance between the vehicles and other road conditions are such that it would be reasonable for a driver to hear or see the signals from the law enforcement vehicle.”

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

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