**South Carolina General Assembly**

119th Session, 2011-2012

**A136, R154, H3254**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Daning

Document Path: l:\council\bills\nbd\11098cm11.docx

Introduced in the House on January 11, 2011

Introduced in the Senate on January 19, 2011

Last Amended on March 14, 2012

Adopted by the General Assembly on March 21, 2012

Governor's Action: April 2, 2012, Signed

Summary: Department of Transportation/Summerville

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2010 House Prefiled

 12/14/2010 House Referred to Committee on **Education and Public Works**

 1/11/2011 House Introduced and read first time ([House Journal‑page 101](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 1/11/2011 House Referred to Committee on **Education and Public Works** ([House Journal‑page 101](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 1/13/2011 House Recalled from Committee on **Education and Public Works** ([House Journal‑page 229](file:///h%3A%5Chj%20archive%5C2011%5C01-13-11.docx))

 1/18/2011 House Read second time ([House Journal‑page 16](file:///h%3A%5Chj%20archive%5C2011%5C01-18-11.docx))

 1/19/2011 House Read third time and sent to Senate ([House Journal‑page 29](file:///h%3A%5Chj%20archive%5C2011%5C01-19-11.docx))

 1/19/2011 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h%3A%5Csj%20archive%5C2011%5C01-19-11.docx))

 1/19/2011 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 9](file:///h%3A%5Csj%20archive%5C2011%5C01-19-11.docx))

 2/15/2012 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 9](file:///h%3A%5Csj%20archive%5C2012%5C02-15-12.docx))

 2/21/2012 Senate Read second time ([Senate Journal‑page 19](file:///h%3A%5Csj%20archive%5C2012%5C02-21-12.docx))

 2/21/2012 Senate Roll call Ayes‑34 Nays‑0 ([Senate Journal‑page 19](file:///h%3A%5Csj%20archive%5C2012%5C02-21-12.docx))

 2/23/2012 Senate Reconsider vote whereby read second time ([Senate Journal‑page 13](file:///h%3A%5Csj%20archive%5C2012%5C02-23-12.docx))

 3/6/2012 Senate Amended ([Senate Journal‑page 32](file:///h%3A%5Csj%20archive%5C2012%5C03-06-12.docx))

 3/6/2012 Senate Read second time ([Senate Journal‑page 32](file:///h%3A%5Csj%20archive%5C2012%5C03-06-12.docx))

 3/6/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 32](file:///h%3A%5Csj%20archive%5C2012%5C03-06-12.docx))

 3/7/2012 Scrivener's error corrected

 3/14/2012 Senate Amended ([Senate Journal‑page 21](file:///h%3A%5Csj%20archive%5C2012%5C03-14-12.docx))

 3/14/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 21](file:///h%3A%5Csj%20archive%5C2012%5C03-14-12.docx))

 3/14/2012 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 21](file:///h%3A%5Csj%20archive%5C2012%5C03-14-12.docx))

 3/21/2012 House Concurred in amendment ([House Journal‑page 45](file:///h%3A%5Chj%20archive%5C2012%5C03-21-12.docx))

 3/21/2012 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 45](file:///h%3A%5Chj%20archive%5C2012%5C03-21-12.docx))

 3/29/2012 Ratified R 154

 4/2/2012 Signed By Governor

 4/5/2012 Effective date 04/02/12

 4/11/2012 Act No. 136

**VERSIONS OF THIS BILL**

[12/14/2010](file:///p%3A%5Cpprever%5C2011-12%5C3254_20101214.docx)

[1/13/2011](file:///p%3A%5Cpprever%5C2011-12%5C3254_20110113.docx)

[2/15/2012](file:///p%3A%5Cpprever%5C2011-12%5C3254_20120215.docx)

[3/6/2012](file:///p%3A%5Cpprever%5C2011-12%5C3254_20120306.docx)

[3/7/2012](file:///p%3A%5Cpprever%5C2011-12%5C3254_20120307.docx)

[3/14/2012](file:///p%3A%5Cpprever%5C2011-12%5C3254_20120314.docx)

(A136, R154, H3254)

**AN ACT TO AMEND SECTION 57‑23‑800, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT BY THE DEPARTMENT OF TRANSPORTATION ALONG THE INTERSTATE HIGHWAY SYSTEM, SO AS TO INCREASE THE PORTION OF VEGETATION THE DEPARTMENT MAY MANAGE ALONG THE INTERSTATE HIGHWAY SYSTEM, AND TO ALLOW LOCAL GOVERNMENTAL ENTITIES TO CONDUCT VEGETATION MANAGEMENT ACTIVITIES BEYOND THE PORTIONS OF ROADWAYS MANAGED BY THE DEPARTMENT; AND TO REPEAL SECTIONS 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, AND 57‑23‑850 ALL RELATING TO ROADSIDE VEGETATION MANAGEMENT PROCEDURES IN VARIOUS COUNTIES.**

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

**Roadside vegetation management**

SECTION 1. Section 57‑23‑800 of the 1976 Code is amended to read:

 “Section 57‑23‑800. (A) The Department of Transportation shall conduct vegetation management of the medians, roadsides, and interchanges along the interstate highway system in accordance with the following requirements:

 (1) a median of not more than eighty feet in width shall have its mowable area mowed in its entirety. A median wider than eighty feet only shall be mowed within forty feet from the edges of the pavement.

 (2) a roadside shall be mowed thirty feet from the edge of the pavement. If fill slopes or back slopes are steep, one swath of the mower or not less than five feet shall be mowed on these slopes.

 (3) an interchange shall be mowed in the same manner as a roadside, provided that the distance from the pavement required to be mowed may be increased to address any safety concerns involved.

 (B) The mowing widths provided in subsection (A) may be increased when necessary to provide adequate visibility for signs erected by the department, when the department determines that increasing the widths is in the public interest, or upon request of the governing body of a county or municipality.

 (C) The vegetation management activities conducted by the department shall not interfere in any way with the visibility of any outdoor advertising sign.

 (D) If the Department of Natural Resources makes an assessment and written determination that vegetation management pursuant to this section causes an increase in safety risks because of the attraction of wildlife to a specific area along the highway, then the department may increase the distance from the pavement required to be mowed.

 (E) Upon the written approval of the Department of Transportation, a county or municipality, at its own expense, may itself conduct vegetation management activities beyond vegetation management widths provided in subsection (A) if the department declines to conduct vegetation management in those areas.”

**Repeal**

SECTION 2. Sections 57‑23‑810, 57‑23‑815, 57‑23‑820, 57‑23‑825, 57‑23‑830, 57‑23‑835, 57‑23‑840, and 57‑23‑850 of the 1976 Code are repealed.

**Savings clause**

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 29th day of March, 2012.

Approved the 2nd day of April, 2012.

\_\_\_\_\_\_\_\_\_\_