**A** **BILL**

TO AMEND SECTION 58‑17‑4080, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OBSTRUCTION OF A HIGHWAY BY A RAILROAD CAR, LOCOMOTIVE, OR OTHER OBJECT, SO AS TO PROVIDE THAT THE OBSTRUCTION IS A MISDEMEANOR, TO INCREASE FINES, TO REMOVE CERTAIN NOTICE REQUIREMENTS, AND TO PROVIDE THAT EVERY TWO HOURS OF OBSTRUCTION IS DEEMED AN ADDITIONAL OFFENSE.

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

SECTION 1. Section 58‑17‑4080 of the 1976 Code is amended to read:

“Section 58‑17‑4080. ~~If~~ It is unlawful for any person, including any conductor of any train of railroad cars or any other agent or servant of any railroad company, ~~shall~~ to obstruct unnecessarily any public road or highway by permitting any railroad car or locomotive to be or remain upon or across any street, public road or highway for a longer period than five minutes, ~~after notice to remove such cars has been given to the conductor, engineer, agent or other such person in charge of such train~~ or ~~shall~~ to permit any timber, wood or other obstruction to remain upon or across any such street, road or highway to the hindrance or inconvenience of travelers or any person passing along or upon such street, road or highway~~, every such~~. Any person ~~so offending shall forfeit and pay~~ who violates the provisions of this section is guilty of a misdemeanor, and upon conviction, subject to a fine for every such offense ~~any sum not exceeding twenty~~ of no more than one thousand dollars nor less than ~~five dollars and shall be~~ two hundred fifty dollars. Any person is additionally liable for all damages arising to any highway, to be recovered by an action at the suit of the governing body of the county in which such offense shall have been committed or any person suing therefor, before any magistrate within the county in which such offense shall have been committed or by indictment in the court of general sessions or suit in the court of common pleas. All fines ~~so~~ accruing under the provisions of this section, when collected, shall be paid over by the magistrate to the county treasurer for the district in which such offense was committed. Every ~~twenty‑four~~ two hours ~~such person, after being notified, shall suffer such obstructions to the hindrance or inconvenience of travelers or any person going along or upon such road or highway to continue~~ of obstruction ~~shall~~ must be deemed an additional offense against the provisions of this section.”

SECTION 2. 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.

SECTION 3. This act takes effect upon approval by the Governor.

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