**South Carolina General Assembly**

124th Session, 2021-2022

**A64, R80, H3011**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. West, G.M. Smith, Simrill, B. Newton, Wooten, McGarry, Bryant, Haddon, Long, Pope, Gilliam, Hosey, Oremus, Caskey, Hardee, Yow, Atkinson and Martin

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Introduced in the House on January 12, 2021

Introduced in the Senate on March 9, 2021

Last Amended on May 12, 2021

Passed by the General Assembly on May 12, 2021

Governor's Action: May 17, 2021, Signed

Summary: Driving on the right half of road

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Education and Public Works**

1/12/2021 House Introduced and read first time ([House Journal‑page 36](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 36](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: Caskey

1/26/2021 House Member(s) request name added as sponsor: Hardee

1/27/2021 House Member(s) request name added as sponsor: Yow

2/23/2021 House Member(s) request name added as sponsor: Atkinson

3/2/2021 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 2](file:///h:\hj\20210302.docx))

3/3/2021 House Member(s) request name added as sponsor: Martin

3/4/2021 House Amended ([House Journal‑page 14](file:///h:\hj\20210304.docx))

3/4/2021 House Read second time ([House Journal‑page 14](file:///h:\hj\20210304.docx))

3/4/2021 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 14](file:///h:\hj\20210304.docx))

3/4/2021 House Unanimous consent for third reading on next legislative day ([House Journal‑page 17](file:///h:\hj\20210304.docx))

3/5/2021 House Read third time and sent to Senate ([House Journal‑page 1](file:///h:\hj\20210305.docx))

3/9/2021 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj\20210309.docx))

3/9/2021 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 6](file:///h:\sj\20210309.docx))

3/23/2021 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 10](file:///h:\sj\20210323.docx))

3/25/2021 Senate Committee Amendment Adopted ([Senate Journal‑page 22](file:///h:\sj\20210325.docx))

3/25/2021 Senate Read second time ([Senate Journal‑page 22](file:///h:\sj\20210325.docx))

3/30/2021 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h:\sj\20210330.docx))

4/6/2021 House Non‑concurrence in Senate amendment ([House Journal‑page 97](file:///h:\hj\20210406.docx))

4/6/2021 House Roll call Yeas‑1 Nays‑107 ([House Journal‑page 97](file:///h:\hj\20210406.docx))

4/8/2021 Senate Senate insists upon amendment and conference committee appointed Bennett, McElveen, Turner ([Senate Journal‑page 17](file:///h:\sj\20210408.docx))

4/8/2021 House Conference committee appointed Morgan, West, Henderson‑Myers ([House Journal‑page 25](file:///h:\hj\20210408.docx))

5/6/2021 Senate Free conference powers granted ([Senate Journal‑page 54](file:///h:\sj\20210506.docx))

5/6/2021 Senate Free conference committee appointed Bennett, McElveen, Turner ([Senate Journal‑page 54](file:///h:\sj\20210506.docx))

5/6/2021 Senate Free conference report received and adopted ([Senate Journal‑page 54](file:///h:\sj\20210506.docx))

5/6/2021 Senate Roll call Ayes‑44 Nays‑1 ([Senate Journal‑page 54](file:///h:\sj\20210506.docx))

5/12/2021 House Free conference powers granted ([House Journal‑page 60](file:///h:\hj\20210512.docx))

5/12/2021 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 60](file:///h:\hj\20210512.docx))

5/12/2021 House Free conference committee appointed Morgan, West, Henderson‑Myers ([House Journal‑page 62](file:///h:\hj\20210512.docx))

5/12/2021 House Free conference report adopted ([House Journal‑page 62](file:///h:\hj\20210512.docx))

5/12/2021 House Roll call Yeas‑105 Nays‑2 ([House Journal‑page 64](file:///h:\hj\20210512.docx))

5/12/2021 House Ordered enrolled for ratification ([House Journal‑page 66](file:///h:\hj\20210512.docx))

5/13/2021 Ratified R 80

5/17/2021 Signed By Governor

6/1/2021 Effective date 08/15/21

6/1/2021 Act No.  64

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3011_20201209.docx)

[3/2/2021](file:///p:\pprever\2021-22\3011_20210302.docx)

[3/4/2021](file:///p:\pprever\2021-22\3011_20210304.docx)

[3/23/2021](file:///p:\pprever\2021-22\3011_20210323.docx)

[3/25/2021](file:///p:\pprever\2021-22\3011_20210325.docx)

[5/12/2021](file:///p:\pprever\2021-22\3011_20210512.docx)

(A64, R80, H3011)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑1885 SO AS TO PROVIDE THE CIRCUMSTANCES WHEN A VEHICLE MAY NOT BE DRIVEN IN THE FARTHEST LEFT‑HAND LANE OF A CONTROLLED ACCESS HIGHWAY, TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST PLACE SIGNS ALONG INTERSTATE HIGHWAYS DIRECTING SLOWER TRAFFIC TO MOVE TO THE RIGHT, TO PROVIDE A PENALTY FOR A VIOLATION, TO PROVIDE A VIOLATION MUST NOT BE INCLUDED IN THE OFFENDER’S MOTOR VEHICLE RECORD, INCLUDED IN SLED’S CRIMINAL RECORDS, OR REPORTED TO THE OFFENDER’S MOTOR VEHICLE INSURER, TO PROVIDE A VIOLATION IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE, AND IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION, TO PROVIDE A LAW ENFORCEMENT OFFICER MUST NOT SEARCH AND MAY NOT REQUEST CONSENT TO SEARCH A VEHICLE, DRIVER, OR OCCUPANT OF A VEHICLE SOLELY BECAUSE OF A VIOLATION OF THIS PROVISION, AND TO PROVIDE FOR THE APPEAL OF A VIOLATION.**

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

**Overtaking and passing another vehicle**

SECTION 1. Article 13, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑1885. (A) A vehicle may not be driven in the farthest left‑hand lane of a controlled access highway except when overtaking and passing another vehicle.

(B) Subsection (A) of this section does not apply:

(1) when no other vehicle is directly behind the vehicle in the left lane;

(2) when traffic conditions and congestion make it impractical to drive in the right lane;

(3) when snow and other inclement weather conditions make it safer to drive in the left lane;

(4) when obstructions or hazards exist in the right lane;

(5) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(6) to law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations;

(7) when a driver of a tractor‑trailer commercial motor vehicle combination is unable to move into the right lane safely due to another vehicle overtaking or passing his vehicle to the right; or

(8) when a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right.

(C) Nothing in this section shall limit the Department of Transportation’s ability to establish and delineate lane restrictions for certain types of vehicles.

(D) The Department of Transportation must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty‑five miles.

(E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender’s motor vehicle insurer.

(2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

(3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

(4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

(5) A person found to be in violation of this section may bring an appeal to the court of common pleas.”

**Time effective**

SECTION 2. This act takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act.

Ratified the 13th day of May, 2021.

Approved the 17th day of May, 2021.

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