DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2009 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 1.

 GENERAL PROVISIONS

**SECTION 58‑1‑10.** Acceptance of free rides on railroads or telegraph frank by certain officials shall be unlawful.

It shall be unlawful for any person, while a member of the Senate or of the House of Representatives, State or national, or any State or county official or judge of a court of record in this State to use any free pass, express or telegraph frank or complimentary ticket or to ride without paying the usual fare on any railroad in this State. Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine not to exceed five hundred dollars or imprisonment not to exceed six months.

But nothing herein contained shall apply to the Commissioner of Agriculture nor to the use of a pass to ride without paying the usual fare on any railroad by an officer or employee, active or retired, of such railroad who has earned his pass through seniority and service to the railroad.

**SECTION 58‑1‑20.** Offer of free pass or reduced rates to certain officials shall be unlawful.

It shall be unlawful for any transportation or transmission company or any person representing such a company to issue or offer to issue a free pass or any special or reduced rates not common to the public to any member of the General Assembly, to any member of Congress from this State, to any State or county official or to any judge of a court of record in this State. But nothing contained in this section shall apply to the Commissioner of Agriculture, nor to any transportation or transmission company or person representing any such company issuing or offering to issue a free pass or any special or reduced rate to the public or to any officer or employee, active or retired, of such company who has earned such pass or such right to such reduced rates by reason of seniority and service to such company.

**SECTION 58‑1‑30.** Bond required of public utilities appealing from rate decisions.

When any public utility in this State appeals from any order or decision fixing a rate for its service lower than that obtaining at the time of such order or decision, before any such appeal shall operate as a supersedeas such utility shall give bond to the South Carolina Department of Revenue to insure compliance on its part with the rates as fixed in the order from which the appeal is taken, in the event that the order appealed from is affirmed. The amount of the bond shall be fixed by the court to which the appeal is taken and shall be sufficient to cover the amount that may become due to customers by way of refund during the time that the operation of the rate‑fixing order is stayed pending the final determination of its validity.

**SECTION 58‑1‑40.** Reports of certain carriers and public utilities to Department of Revenue.

All railroad companies, express companies, street railway companies, navigation companies, waterworks companies, power companies, light companies, telephone companies, telegraph companies and parlor, dining and sleeping car companies exercising the right and privilege of doing business or operating under the authority of any grant of authority or permission of this State, whether by direct enactment of the General Assembly or otherwise, and also foreign nonresident corporations engaged in like business and exercising similar rights and privileges, shall, in addition to the information required by Section 12‑19‑20, also state in such report to the Department of Revenue:

(1) The nature of the company or corporation and under the laws of what state it was organized;

(2) In the case of express companies, the entire receipts, including all sums earned or charged, whether actually received or not, for business done in the State by each agent of such company doing business in this State, giving the name of the office for the fiscal year then next preceding for and on account of such company, including its proportion of gross receipts for business done by such company within the State in connection with other companies and also the total amount of such receipts for business done within the State;

(3) In case of telegraph and telephone companies, the entire gross receipts including all sums earned or charged, whether actually received or not, for the fiscal year next preceding, from whatever source derived, whether messages, telephone tolls, rentals or otherwise, for business done within this State at each office within this State, giving the name of the office and the total receipts of the company for such period in this State from business done within this State;

(4) In the case of each railroad or street railway situated wholly within the State, the gross earnings from its operation, and in case of each railroad or street railway located partly within and partly without the State, the gross earnings from the operation of the entire line for the fiscal year next preceding, with the number of miles of line within the State and the miles of line without the State; or

(5) In the case of navigation companies, waterworks companies, power companies, light companies, the entire gross receipts of the company, including all sums earned or charged, whether actually received or not, for business done within this State for the fiscal year then next preceding, including the company’s portion of gross receipts for business done by it within this State in connection with other companies.

**SECTION 58‑1‑50.** Interest paid with refund of excess charges not to constitute cost basis for rate‑making.

Notwithstanding any other provision of law, any public utility as defined in item (3) of Section 58‑5‑10, any telephone utility, and any electrical utility whose rates are subject to regulation by the Public Service Commission, when putting a proposed rate increase into effect under bond in the manner authorized by law, shall not be permitted to include as part of its rate base any interest expenses paid to customers on refunds which are required when the rate increase is not approved either in whole or in part.

**SECTION 58‑1‑65.** South Carolina public water impoundments for federally regulated hydroelectric projects; programs to combat growth of aquatic weeds; hold harmless statute for owners and operators.

(A) The General Assembly finds:

(1) The use of South Carolina public water impoundments for federally regulated hydroelectric projects are being endangered due to the uncontrolled growth of aquatic weeds.

(2) In an effort to manage aquatic weeds in the impoundments, the Department of Natural Resources in conjunction with the owners and operators of the water impoundments for federally regulated hydroelectric projects have developed programs to combat the growth of aquatic weeds. These programs are funded in part by revenue appropriated to the Department of Natural Resources in Part 1, Section 47 of the 1995‑96 general appropriations act, by revenue of certain federal programs, and by contributions by the owners and operators of the federally regulated hydroelectric projects. However, the programs are exclusively managed and controlled by the Department of Natural Resources.

(3) In order to continue the program, the owners and operators must have protection from actions by the Department of Natural Resources for any liability which they may incur due to the actions of the department or its agents. Therefore, the State in this section is enacting a hold harmless statute for the owners and operators of the water impoundments for federally regulated hydroelectric projects.

(B) There is no liability on the part of, and no cause of action against, owners and operators of water impoundments for federally regulated hydroelectric projects for any and all acts, events, occurrences, or future consequences of any treatment by the Department of Natural Resources, its agents or independent contractors, in providing for the management of aquatic weeds. The immunity for owners and operators of water impoundments for federally regulated hydroelectric projects also extends to any liability arising as a result of actions by individuals who without permission from the owner and operator treat, spray, or in any fashion attempt to manage aquatic weeds in the impoundment.

(C) The department shall use the funds appropriated to it in fiscal year 1995‑96 as referenced above to implement and give effect to the provisions of this section in the manner it considers appropriate.