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CHAPTER 7

Special Provisions Affecting Gas, Water or Pipeline Companies

**SECTION 58‑7‑10.** Rights, powers and privileges of telegraph and telephone companies conferred on pipeline companies.

Subject to the same duties and liabilities, all the rights, powers and privileges conferred upon telegraph and telephone companies under Article 17 of Chapter 9 of this Title are hereby granted to pipeline companies incorporated under the laws of this State or to such companies incorporated under the laws of any other state when such companies have complied with the laws of this State regulating the doing of business herein by foreign corporations.

HISTORY: 1962 Code Section 58‑6; 1952 Code Section 58‑6; 1942 Code Section 8540; 1932 Code Section 8540; Civ. C. ‘22 Section 5024; Civ. C. ‘12 Section 3326; 1904 (24) 489; 1950 (46) 2353; 1951 (47) 785.

**SECTION 58‑7‑20.** Rights, powers and privileges of telegraph and telephone companies conferred on water companies.

Subject to the same duties and liabilities, all the rights, powers, and privileges conferred upon telegraph and telephone companies under Chapter 2 of Title 28, including the power to condemn property, are granted to companies engaged in supplying water or sewerage services incorporated under the laws of this State or to companies incorporated under the laws of any other state upon complying with the laws of this State regulating foreign corporations and by becoming a domestic corporation.

HISTORY: 1962 Code Section 58‑152.1; 1952 Code Section 58‑152.1; 1942 Code Section 8540; 1932 Code Section 8540; Civ. C. ‘22 Section 5024; Civ. C. ‘12 Section 3326; 1904 (24) 489; 1951 (47) 785; 1990 Act No. 588, Section 1, eff June 11, 1990.

**SECTION 58‑7‑25.** Right to repurchase unused condemned property.

(A) If the property, or any portion of it, condemned by a corporation engaged in the business of supplying sewerage service, pursuant to the provisions of this chapter, is not used for the purpose for which it was condemned within a five‑year period from the date it was condemned, the former owner has the right to repurchase the property from the corporation upon payment of the original purchase price.

(B) Unless the former owner exercises his right to repurchase this property within a period of one year from the expiration of the five‑year period as provided in subsection (A), the right to repurchase ceases when the corporation gives the former owner ninety days’ notice that the right will expire at the end of the ninety‑day period.

HISTORY: 1990 Act No. 588, Section 2, eff June 11, 1990.

**SECTION 58‑7‑30.** Water companies may condemn land for waterworks.

(A) Any corporation engaged in the business of supplying water or sewerage services in this State or which may intend to engage in the business of supplying water or sewerage services has the same rights and powers of condemnation as are conferred upon municipal corporations pursuant to the provisions of Sections 5‑31‑420, 5‑31‑430, and 5‑31‑440.

(B) Before a corporation engaged in supplying sewer services as authorized under the provisions of this section exercises the right of condemnation, the governing body of the county in which the condemnation will occur must adopt an ordinance granting the corporation the authority to condemn property necessary to provide sewer services.

HISTORY: 1962 Code Section 58‑152; 1952 Code Section 58‑152; 1942 Code Section 7303; 1932 Code Section 7303; Civ. C. ‘22 Section 4451; Civ. C. ‘12 Section 3028; 1905 (24) 867; 1951 (47) 785; 1990 Act No. 588, Section 1, eff June 11, 1990.

**SECTION 58‑7‑40.** Water companies may contract with municipalities or public service districts to collect charges for sewage disposal and to disconnect water service for nonpayment of sewer charges.

All private corporations, subject to the jurisdiction of the South Carolina Public Service Commission, engaged in the business of providing water service and selling and distributing water for domestic, commercial or industrial purposes may, if the approval of the South Carolina Public Service Commission is obtained, enter into contracts with any incorporated municipality or any special purpose district upon terms and conditions to be mutually agreed upon (including an agreement by the municipality or public service district to hold the private corporation harmless for any error by the municipality or public service district regarding the payment or nonpayment of sewer charges) by which the municipalities or special purpose districts shall (a) constitute the corporation the agent of the municipalities or special purpose districts, for the purpose of collecting such charges as the municipalities or special purpose districts shall from time to time impose upon those who utilize its sewage disposal facilities; and/or (b) empower the corporation as the agent of the municipalities or special purpose districts to disconnect water service upon failure of any user to pay sewer charges.

HISTORY: 1962 Code Section 58‑152.2; 1965 (54) 683.

Editor’s Note

Section 1 of 1965 Act No 381 (1965 (54) 683), contains legislative findings relative to this section, and provides:

“The General Assembly finds that in certain areas in South Carolina domestic, commercial and industrial water service is supplied by private corporations under the jurisdiction of the South Carolina Public Service Commission. Frequently incorporated municipalities and special purpose districts are located within the same areas. Such municipalities and special purpose districts are empowered to impose sewer service charges but have no ready means of collecting the charges inasmuch as they do not render water service. Such municipalities and special purpose districts have the power to enter into contracts with private corporations to collect such sewer service charge but there is no corresponding statutory authority permitting the private corporation to act for such municipalities and special purpose districts to collect such sewer service charge or to suspend water service in the event that the bill for sewer service is not paid, whether the sewer bill is rendered separately or is combined with the water bill into a single bill.”

**SECTION 58‑7‑50.** Lease of property of gas company.

Except as prohibited in section 7, article 9 of the Constitution of 1895, any gas company organized under the laws of this State may lease its property and franchises to any other gas company, upon such terms as may be agreed upon by a majority of the stockholders at a special meeting held after thirty days’ advertisement thereof.

HISTORY: 1962 Code Section 58‑153; 1952 Code Section 58‑153; 1942 Code Section 8187; 1932 Code Section 8187; Civ. C. ‘22 Section 4367; Civ. C. ‘12 Section 2881; 1908 (25) 1090.

Editor’s Note

Section 7, Article 9 of the Constitution of 1895, referred to in this Code section, no longer appears in the Constitution following the revision and rewriting of that article by amendment ratified by 1971 Act No. 64 (1971 (57) 47). Prior to the amendment that section read as follows:

“No railroad, or other transportation company, and no telegraph or other transmitting corporation, or the lessees, purchasers or managers of any such corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other railroad or other transportation, telegraph or other transmitting company owning or having under its control a parallel or competing line; and the question whether railroads or other transportation, telegraph or other transmitting companies are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil causes.”

**SECTION 58‑7‑60.** Unlawful appropriation of gas; penalties.

(A) It is unlawful for a person who has no contract, agreement, license or permission with or from a person or corporation authorized to manufacture, sell or use gas for the purpose of light, heat, or power or with or from an authorized agent of a person or corporation for the use of gas belonging to, or produced or furnished by, a person or corporation who shall wilfully withdraw or cause to be withdrawn in any manner and appropriate gas from the pipes or conduits of a person or corporation for his own use or for the use of another person or corporation.

(B) A person who violates the provisions of this section for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than three years, or both; and

(3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than five years, or both.

(C) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or results in the risk of great bodily injury or death from fire, explosion, or electrocution for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

(2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

(3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(D) A person who violates the provisions of this section and the violation results in:

(1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

(2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) Notwithstanding the provisions of this section, a person who aids, abets, or assists another person in withdrawing and appropriating gas from pipes or conduits to or for the use of another person or to or for the use of another person or corporation for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

(2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both; and

(3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.

HISTORY: 1962 Code Section 58‑154; 1952 Code Section 58‑154; 1942 Code Section 1156; 1932 Code Section 1156; Cr. C. ‘22 Section 50; Cr. C. ‘12 Section 200; 1911 (27) 148; 2013 Act No. 23, Section 2, eff May 3, 2013.

**SECTION 58‑7‑70.** Wrongful use of gas and interference with gas meters; penalties.

(A) It is unlawful for a person who has a contract, agreement, license or permission, oral or written, with or from a person or corporation authorized to manufacture, sell or use gas for the purpose of light, heat, or power or with or from an authorized agent of a person or corporation for the use of the gas belonging to, or produced or furnished by, a person or corporation for certain specified purposes who shall wilfully and intentionally withdraw, or cause to be withdrawn, gas in any manner and appropriate it to his own use or to the use of another person or corporation for purposes other than those specified.

(B) It is unlawful for a person to whom gas is furnished from or by means of a meter who shall wilfully and with intention to cheat and defraud a person or corporation alter or interfere with a meter or by any contrivance whatsoever withdraw or take off gas in any manner except through a meter shall be punished as provided in Section 58‑7‑60(B).

(C) A person who violates the provisions of this section for profit or income on behalf of a person in whose name the meter was installed or a person for whose benefit electricity, gas, or water was diverted for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

(2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

(3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(D) A person who violates the provisions of this section and the violation results in property damage in excess of five thousand dollars or results in the risk of great bodily injury or death from fire, explosion, or electrocution for a:

(1) first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

(2) second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years or both; and

(3) third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(E) A person who violates the provisions of this section and the violation results in:

(1) great bodily injury to another person is guilty of a felony and, upon conviction, must be fined not more than fifteen thousand dollars or imprisoned not more than fifteen years, or both. For purposes of this item, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ; and

(2) the death of another person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(F) This section does not apply to licensed and certified contractors while performing usual and ordinary service in accordance with recognized standards.

HISTORY: 1962 Code Section 58‑155; 1952 Code Section 58‑155; 1942 Code Section 1157; 1932 Code Section 1157; Cr. C. ‘22 Section 51; Cr. C. ‘12 Section 201; 1911 (27) 148; 2013 Act No. 23, Section 3, eff May 3, 2013.