CHAPTER 1

General Provisions

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

HISTORY: 1962 Code Section 58‑4; 1952 Code Section 58‑4; 1942 Code Section 1234; 1932 Code Section 1234; Cr. C. ‘22 Section 130; Cr. C. ‘12 Section 273; Cr. C. ‘02 Section 204; R. S. 190; 1891 (20) 1047; 1905 (24) 900; 1941 (42) 119; 1949 (46) 386.

CROSS REFERENCES

When free or reduced rates permitted, see Section 58‑9‑240.

Library References

Carriers 22, 253.5.

Westlaw Topic No. 70.

C.J.S. Carriers Sections 320, 333, 499 to 502.

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

HISTORY: 1962 Code Section 58‑5; 1952 Code Section 58‑5; 1942 Code Section 1235; 1932 Code Section 1235; Cr. C. ‘22 Section 131; Cr. C. ‘12 Section 274; Cr. C. ‘02 Section 205; R. S. 191; 1891 (20) 1047; 1905 (24) 900; 1941 (42) 119; 1949 (46) 386.

CROSS REFERENCES

When free or reduced rates permitted, see Section 58‑9‑240.

Library References

Carriers 21(1), 253.5.

Westlaw Topic No. 70.

C.J.S. Carriers Sections 333, 499 to 502.

**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.

HISTORY: 1962 Code Section 58‑11; 1952 Code Section 58‑11; 1942 Code Section 8240; 1935 (39) 29; 1993 Act No. 181, Section 1547, eff July 1, 1993.

Library References

Public Utilities 189.

Westlaw Topic No. 317A.

C.J.S. Public Utilities Sections 246 to 249, 252 to 255, 261, 263 to 267.

**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.

HISTORY: 1962 Code Section 58‑12; 1952 Code Section 58‑12; 1942 Code Section 2678; 1932 Code Section 2678; 1922 (32) 947; 1993 Act No. 181, Section 1548, eff July 1, 1993.

CROSS REFERENCES

Reports of corporations to Department of Revenue and Taxation, see Section 12‑20‑20 et seq.

Library References

Carriers 11.

Public Utilities 111.

Telecommunications 618.

Westlaw Topic Nos. 70, 317A, 372.

C.J.S. Public Utilities Sections 5, 9, 11, 13, 172 to 174, 177 to 178.

**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.

HISTORY: 1983 Act No. 138 Section 26, eff June 15, 1983.

Library References

Electricity 11.3(2).

Public Utilities 119.1.

Telecommunications 926.

Westlaw Topic Nos. 145, 317A, 372.

C.J.S. Electricity Sections 66 to 68.

C.J.S. Public Utilities Sections 5, 11, 13 to 36, 74 to 75.

C.J.S. Telecommunications Sections 63 to 65.

**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.

HISTORY: 1995 Act No. 145, Part II, Section 92, eff June 29, 1995.

Library References

Water Law 1734.

Westlaw Topic No. 405.

C.J.S. Waters Sections 297 to 302, 315 to 317, 335.