

# REPORT OF THE REVENUE POLICY SUBCOMMITTEE

(Bannister, Stavrinakis, Lowe, Hewitt & Crawford - Staff Contact: Julia Foster)

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## HOUSE BILL H. 5071

### Transportation, Efficiency and Accountability Act

#### Summary of Bill:

House Bill 5071 is a comprehensive bill designed to modernize the administrative, governance, and financial frameworks of the South Carolina Department of Transportation (SCDOT).

The bill retains the SCDOT Commission, but on a smaller scale, with fewer members and streamlined duties. It also establishes a Coordinating Council for Transportation and Mobility. It shifts SCDOT from a commission-led governing body to an executive-appointment model. It amends current sections to provide the SCDOT, rather than the Commission, will develop the Statewide Transportation Plan and removes the direction that the Commission will approve SCDOT's budget.

The bill also broadens SCDOT's toolbox for funding, tolling, contract options, procurement, and public/private partnerships. It expands SCDOT's "toolbox" for project delivery by authorizing advanced contracting methods that prioritize technical qualifications and risk mitigation over traditional low-bid procurement. These methods are intended to expedite construction timelines for complex infrastructure projects. It also stipulates the state will waive immunity in federal court relating to lawsuits involving the NEPA process and certain environmental reviews. This will expedite some of the review processes. The bill updates turnpike statutes to allow for the development of "choice lanes" enabling projects that are self-funded. To mitigate the decline in gasoline user fee revenue caused by the transition to electric and hybrid vehicles, the bill implements a modernized fee structure for alternative fuel vehicles.

The bill adds clarifying language for CTCs, requiring members to live in the county they serve and follow basic ethics requirements. Lastly, this bill provides for the voluntary transfer of local roads to local jurisdictions and establishes local funding options for the maintenance of those roads.

#### Estimated Fiscal Impact:

- **Alternative Fuel Fees:** An estimated increase of \$26.3 million to \$27.7 million biennially due for alternative fuel vehicle registration fees.
- **Electric Vehicle (EV) Charging Fees:** A new 4.5 cent per kilowatt-hour fee on publicly accessible charging stations is expected to generate approximately \$2.46 million annually starting in FY 2026-27.
- **Turnpike/Toll Revenue:** While the exact amount is currently undetermined, revenues from new tolling authorities are expected to eventually offset or fully recoup the costs of operating and maintaining those facilities.
- **System Realignment Fund:** The bill allows counties to impose a higher 2% local option transportation sales tax (up from 1%) and additional property tax millage to fund road maintenance.
- **Department of Transportation (DOT):** Estimate \$1.2 million annually for 9.0 new FTEs to manage tolling and public-private partnerships, though these costs are expected to be covered by revenues generated by the bill.
- **Department of Motor Vehicles (DMV):** Estimate approximately \$154,000 annually (including 3.0 FTEs) to manage registration suspensions related to toll violations.
- **Secretary of State's Office:** Estimate approximately \$69,000 annually (1.0 FTE). Other Funds expenditures are estimated at between \$102,000 and \$252,000 in one-time technology costs for processing public-private partnership contracts.

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

### Subcommittee Action/Explanation:

The Subcommittee met on Thursday, February 5 to receive an overview of the bill and related issues from DOT Secretary Justin Powell. The Subcommittee met again on Wednesday, February 11 to hear public testimony. The Subcommittee met on Thursday, March 26 for debate upon Subcommittee members.

The Subcommittee struck the language of the bill and inserted the Senate language with several amendments. The Subcommittee adopted an amendment which removes references to the Coordinating Council and provides for the gubernatorial appointment of the Secretary of Transportation. It revises the committee composition by eliminating the two at-large appointees while retaining the seven members representing each congressional district. The amendment also authorizes the Department to adopt regulations related to public-private partnerships.

In addition, it clarifies provisions in the Senate version regarding road maintenance and the imposition of additional millage by counties and municipalities. It requires that members of county transportation committees reside in the respective county and be subject to the Ethics Act. The amendment adopts the language in H. 5071 establishing a biennial alternative fuel fee of \$400 for electric vehicles and \$200 for hybrid vehicles, with all such fees credited to the State Highway Fund. It does not include the charging station provisions.

Finally, the amendment includes Senate language establishing a Pothole Mitigation Program allowing the public to report potholes through a free mobile app, website, or phone. The Department of Transportation must complete permanent repairs within seven days of notification (except in emergencies), funded by a \$15 million annual transfer from the Infrastructure Maintenance Trust Fund dedicated to full-depth pavement repairs.

Received FAVORABLE REPORT AS AMENDED on March 26, 2026.

### Full Committee Action/Explanation:

### Other Notes/Comments:

**SOUTH CAROLINA**  
**HOUSE AMENDMENT**

AMENDMENT NO. \_\_\_\_\_

David Good  
March 31, 2026

ADOPTED	REJECTED	TABLED	ADJOURN DEBATE	RECONSIDERED	ROO

\_\_\_\_\_  
Clerk of the House

ADOPTION NO. \_\_\_\_\_

**BILL NO: H. 5071**

(Reference is to the original version)

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The Revenue Policy Subcommittee proposes the following amendment (LC-5071.DG0004H):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 57-1-410 of the S.C. Code is amended to read:

Section 57-1-410. The ~~commission~~ Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~commission~~ Governor. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

SECTION 2. Section 1-30-10(B)(1)(iv) of the S.C. Code is amended to read:

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.

SECTION 3. Section 57-1-310(A) and (B) of the S.C. Code is amended to read:

(A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of:

~~—(1) one member from each transportation district, all appointed by the Governor, subject to the provisions of Section 57-1-325.; and~~

~~—(2) two members from the State at large, both appointed by the Governor, upon the advice and consent of the General Assembly. Each house must hold a separate confirmation vote.~~

In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the commission shall represent the transportation needs of the State as a whole and may not subordinate the needs of the State to those of any particular area of the State.

(B) ~~The at-large appointments made by the Governor must be transmitted to the Senate and the House of Representatives for confirmation~~Reserved.

SECTION 4. Section 57-1-330 of the S.C. Code is amended to read:

Section 57-1-330. (A) All commission members are appointed to a term of office of four years which expires on February fifteenth of the appropriate year. However, a commission member may not serve more than two consecutive terms, and may not serve more than twelve years, regardless of when the term was served. Commissioners shall continue to serve until their successors are appointed and confirmed, provided that a commissioner only may serve in a hold-over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by appointment in the manner provided in this article for the unexpired term only. ~~Except for the at-large member, a~~A person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by such commission member to maintain residency in the district for which he is appointed shall result in the forfeiture of his office.

~~—(B) An at-large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by an at-large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

(B) Commission members may be removed from office at the discretion of the Governor.

SECTION 5. Sections 57-1-360(B) through Section 57-1-370 of the S.C. Code are amended to read:

Section 57-1-360. (B)(1) The chief internal auditor must be a certified public accountant~~Certified Public Accountant~~, a certified internal auditor, or a certified fraud examiner, and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The scope of internal audit services shall cover the entire department, including all the department's activities, assets, and personnel. The scope of internal

audit activities also encompasses all, but is not limited to, objective examinations of evidence to provide independent assurance on the adequacy, effectiveness, and efficiency of governance, risk management, control processes, and compliance for the department. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the secretary, the commission and the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public. All final audit reports shall be published on the department's and the State Auditor's websites.

(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.

Section 57-1-370. (A) The ~~commission~~department must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the ~~commission~~department must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range Statewide Transportation Plan and the Statewide Transportation Improvement

Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation described in Section 57-1-25;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization's approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, ~~the commission~~ department shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair

costs over the expected life of the project;

- (b) public safety;
- (c) potential for economic development;
- (d) traffic volume and congestion;
- (e) truck traffic;
- (f) the pavement quality index;
- (g) environmental impact;
- (h) alternative transportation solutions; and
- (i) consistency with local land use plans.

~~—(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Non-Federal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering the criteria in subsection (B)(8).~~

~~—(2)(C) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.~~

~~—(D) The commission must approve the department's annual budget.~~

(D) The commission shall have any other rights, duties, obligations, or responsibilities as specifically provided by law.

SECTION 6. Section 57-3-20 of the S.C. Code is amended to read:

Section 57-3-20. The responsibilities and duties of the following ~~division deputy directors~~ deputy secretaries must include, but not be limited to, ~~the following~~:

- (1) ~~division deputy director for finance and administration~~ Deputy Secretary for Finance and

Administration:

- (a) financial planning and management;
- (b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; ~~and~~
- (c) administrative functions, including recording proceedings of the commission and developing policy and procedures to ensure compliance with these policies and procedures; and
- (d) financial management of funding from federal, state, and local transit, rail, and other intermodal transportation.

~~(2) division deputy director for construction, engineering, and planning~~ Deputy Secretary for Engineering:

- ~~(a) develop statewide strategic highway plans; and~~ operations and management of the department's highway districts;
- (b) direct highway engineering activities, including preconstruction, construction, ~~design~~, construction oversight, and maintenance of state highways; and
- (c) establish project and program priority lists.

~~(3) division deputy director for intermodal and freight programs~~ Deputy Secretary for Intermodal and Freight Programs:

- (a) develop a statewide public transit system;
- (b) coordinate the preservation and revitalization of existing rail corridors;
- (c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;
- (d) ~~plan, develop, and coordinate~~ and implement a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems; and
- ~~(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and~~
- ~~(f)~~ (e) manage the Office of Railroads and the Office of Public Transit.

(4) Deputy Secretary for Planning:

(a) develop statewide strategic transportation plans; and

(b) coordinate statewide plans with federal and state-funded regional and local transportation planning organizations.

SECTION 7. Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-205. (A) The department may enter into public-private partnership arrangements between or among the department and any public or private entity for the purpose of planning, designing, financing, constructing, operating or maintaining the highways, roads, streets, bridges, public transit, and work, improvements or facilities incidental or related thereto under the jurisdiction of the department. The provisions of this section may be used with any other provisions of state law to accomplish one or more projects.

(B) Public-private partnership arrangements may take the form of design-build agreements, design-build-operate agreements, design-build-operate-maintain agreements, design-build-finance-operate-maintain agreements, franchise agreements, pre-development agreements, tolling services agreements, direct agreements, guarantees, concession agreements, lease agreements, availability payments agreements, performance-based payments agreements, or any other form of contract approved by the department, or other similar arrangements or agreements pursuant to which the design, right-of-way acquisition, relocation of structures or utilities, construction, financing, management, maintenance, and operation, or any combination thereof, of a public highway, road, streets, buildings and facilities owned by the department, broadband technology, bridge, public transit project and work, improvements or facilities incidental or related thereto is accomplished by the department or on behalf of the department by any public or private entities or methods. Additionally, such agreements may:

(1) be short-term or long-term agreements, but not exceed ninety-nine years;

(2) authorize the establishment, adjustment, indexation, and enforcement of fares, tolls, or other user fees, including time-of-day or dynamic pricing, consistent with policies adopted by the

department, which may allow enforcement through photo monitoring, cashless tolling, toll-by-mail, and toll-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a turnpike facility designated under Title 57, Chapter 5, Article 9;

(3) specify a revenue application waterfall, reserves, rate covenants, and collection and enforcement measures; and

(4) be structured on a revenue-risk, availability-payment, or hybrid basis, including shadow tolls or usage-based performance components.

(C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize funding to be established, set, modified, adjusted, and retained by the private entity, may include fares, tolls, or other user fees for use of the project that is the subject of the arrangement, and the department may provide enforcement and collection services for the benefit of a public-private partnership arrangement. The funding may be distributed among the participants in the project as may be provided for by contract. Multiyear payment obligations may be appropriation backed availability payments or milestone payments and may include standard non-appropriation clauses and termination-for-non-appropriation remedies with predefined compensation formulas.

(D) The department may:

(1) take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose and the public-private partnership arrangements authorized by this section and may enter into any contracts required to receive such assistance;

(2) determine that it serves the public purpose and the public-private partnership arrangements authorized by this section for all or any portion of the costs of a project to be paid, directly or indirectly, from the proceeds of a grant or loan made by federal, state, or local government or any agency or instrumentality thereof. Such assistance includes, but is not limited to, assistance under the Transportation Infrastructure Finance and Innovation Act, railroad rehabilitation and improvement financing, private activity bonds, and other federal credit or tax-exempt financing programs; and

(3) cooperate with private partners to obtain allocations or approvals necessary for the

issuance of private activity bonds and similar instruments, and may establish or incorporate, or assist in the establishment and incorporation of, a not-for-profit corporation or entity for purpose of borrowing funds through a governmental conduit bond issuer for the benefit of a project procured by the department.

(E) Any contract entered into pursuant to this section shall require the private partner or each of its prime contractors to provide performance and payment security to the extent deemed necessary by the department or required by the financing parties. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required to adequately protect the department, the state, and the contracting and subcontracting parties.

(F) Notwithstanding any provision of law to the contrary, proposals under this section, with respect to public highway, road, bridge, building, facility, or public transit projects or work incidental or related thereto that the department determines can be more efficiently accomplished by any of the means enumerated in this section, may be evaluated and awarded by the department based on qualifications of participants or best value, or both, as evaluated by procedures of the department and taking into consideration the best interest of the State of South Carolina. Projects authorized under a pre-development agreement may be authorized without specifying or finalizing the full or final scope of work to be performed under the procurement or pre-development agreement. The department may utilize a two-step request for qualifications or request for proposals process with shortlisting, conduct competitive dialogue or confidential meetings with proposers, solicit and accept alternative technical concepts, and make best-value tradeoffs without mandated formulaic weights.

(G)(1) To the extent not authorized by statutory provisions other than this section, the solicitation pursuant to subsection (B) for a given project must be submitted to the Joint Bond Review Committee for review and comment prior to advertisement of the solicitation.

(2) The contract may include an agreement to make payments to a development entity on a multi-year basis, provided either that payment and performance obligations for succeeding fiscal

periods are subject to the availability and appropriation of funds for such periods, or that specific, limited revenues are identified in a solicitation which has received review and comment by the Joint Bond Review Committee prior to the solicitation of the procurement and such revenues are payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax.

(3) The department may set up separate accounts, which may be with a commercial trustee, to account for any such funds and provide for the deposit and disbursement of moneys therein under the public-private partnership arrangement.

(4) The department shall notify the Joint Bond Review Committee within thirty days of execution of the public-private partnership arrangement and shall provide the Joint Bond Review Committee an annual report within one hundred twenty days of the end of each fiscal year regarding the status of all public private partnership arrangements outstanding.

(H) When the department proposes to enter into a public-private partnership arrangement under this section, it shall, prior to the execution and delivery of the contract documents for the public-private partnership arrangement, file a copy of the documents in the office of the Secretary of State. It is the duty of the Secretary of State to file and index the filing in a special book to be kept by such officer for such purpose. The Secretary of State shall be authorized to prepare and deliver certified copies of the filed documents and to deliver them to interested parties. For each certification a reasonable fee may be charged. No action shall be commenced on account of the validity of a public-private partnership arrangement after the expiration of twenty days from the date of the filing and indexing of the proposed contract documents for the public-private partnership arrangement in the office of the Secretary of State. The period within which such actions may be commenced shall not begin to run until such records have been filed as prescribed in this section.

(I) The department may promulgate regulations to implement the provisions of this section.

SECTION 8. Section 57-3-615 of the S.C. Code is amended to read:

~~Section 57-3-615.— If a toll is administered on a project by the Department of Transportation, the toll must be used to pay for the construction, maintenance costs, and other expenses for only that project. A toll project that is in excess of one hundred fifty million dollars may only be initiated as provided in Chapter 37 of Title 4.~~

~~—No toll may be imposed on passage of any vehicle on federal interstate highways in this State which were in existence as of January 1, 1997, unless the imposition is otherwise affirmatively approved by the General Assembly in separate legislation enacted solely for that purpose.~~

(A) No toll may be imposed on the passage of any vehicle on any publicly owned or controlled road, bridge, highway, or interstate in this State except as provided by this section. Any toll imposition must be allowed by or not contrary to federal law. Tolls may be imposed on a publicly owned or controlled road, bridge, highway, or interstate under any of the following circumstances:

(1) the toll imposition is specifically authorized by the General Assembly;

(2) the toll imposition is on a turnpike facility designated under Title 57, Chapter 5, Article 9; or

(3) the toll imposition is reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority in connection with an agreement under Section 57-3-200 or 57-3-205 prior to the solicitation of proposals for the agreement. The manner and method of toll imposition and rate setting are not required to be reviewed or approved, but must be set forth in the agreement, as may be amended from time to time.

(B) Tolls imposed under subsection (A)(2) or (3) of this section may only be imposed on managed or choice lane facilities that increase the capacity of the applicable road, bridge, highway, or interstate. Managed or choice lane facilities are those facilities that are actively managed to achieve more effective and efficient use of a road, bridge, highway, or interstate using various strategies including but not limited to pricing, vehicle eligibility, and access control; the managed or choice lane facilities shall be in addition to and not in place of existing lanes.

(C) Tolls may continue to be imposed on the passage of vehicles on any publicly owned or controlled road, bridge, highway, or interstate in this State on which tolls were imposed as of

January 1, 2026.

SECTION 9. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-790. (A) The State waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326 and 327. The waiver of immunity under this section is valid only if:

(1) the Secretary of Transportation executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Sections 326(c) and 327(c);

(2) before execution of the memorandum of understanding under subsection (A), the South Carolina Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the State;

(3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Sections 326 and 327; and

(4) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

(B) Within one year of submitting an application to assume administration of 23 U.S.C. Sections 326 and 327, otherwise known as the National Environmental Policy Act (NEPA) Assignment Program pursuant to this section, the secretary shall issue a NEPA Manual detailing the manner in which the department will carry out its NEPA responsibilities. The department must provide a public comment period of at least thirty days on a draft NEPA Manual prior to issuance of a final NEPA Manual.

(C) The department must annually publish a report describing the department's assumption of NEPA responsibilities. The annual report must be made available to the public and posted on the

department's website. That report shall include, but not be limited to, an analysis of time savings, an analysis of positive and negative financial impacts, and a summary of any legal actions challenging the department's actions under the program.

SECTION 10. Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-800. The Department of Transportation may enter into reciprocal agreements with other jurisdictions including the federal government and any state, or agencies or departments thereof, to enforce toll violations. The agreement shall provide that, when another jurisdiction certifies that the owner of a vehicle registered in this State has failed to pay a toll, processing fee, or civil penalty due to that jurisdiction, the unpaid toll, processing fee, or civil penalty may be enforced by placing a registration suspension as if the owner of the motor vehicle has an outstanding judgment for failure to pay a toll under Section 56-3-1335, upon electronic notification by the Department of Transportation to the Department of Motor Vehicles. The agreement shall only be enforceable to the extent that:

(1) the other jurisdiction has its own reciprocal procedure for toll violation enforcement and does, in fact, reciprocate in enforcing toll violations within this State by withholding the registration renewal of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State;

(2) drivers and vehicles licensed or registered in this State, while operating on the highways and bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other jurisdiction while they are operating on the highways and bridges of this State;

(3) the owner of a vehicle registered in this State may present evidence to the other toll agency or jurisdiction by mail or other means to invoke rights of due process without having to appear

personally in the jurisdiction where the violation allegedly occurred;

(4) the reciprocal violation enforcement arrangement between the department and the other toll agency provides that each party shall charge the other for costs associated with registration holds, or the like, in their respective jurisdictions.

SECTION 11. Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-1345.(A) In order to administer, collect, and enforce any toll, toll violation, processing fee, civil penalty, or registration-based enforcement mechanism authorized by this title, the Department of Transportation shall coordinate with the Department of Motor Vehicles to ensure access to current motor vehicle and owner registration data.

(B) The Department of Transportation shall, at a minimum, receive updated toll-related vehicle data from the Department of Motor Vehicles monthly. The data shall include, but is not limited to, vehicle identifiers, registration status indicators, and any information necessary to support toll billing, notice, enforcement actions, or registration renewal blocks authorized by law.

(C) The Department of Transportation and the Department of Motor Vehicles shall enter into a memorandum of understanding governing:

- (1) the frequency, format, and method of data exchange;
- (2) data security standards and confidentiality requirements;
- (3) limitations on use of the data solely for toll administration and enforcement purposes; and
- (4) procedures to ensure data accuracy, error resolution, and due process protections for registered vehicle owners.

(D) No toll enforcement action that relies upon registration suspension, renewal block, or similar Department of Motor Vehicles action may be initiated unless the vehicle data relied upon has been updated in accordance with this section.

(E) Nothing in this section authorizes the disclosure of personal information except as otherwise permitted by state and federal law.

SECTION 12. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-105. (A) The department shall publish a list of roads not essential to the operation of the State Highway System and ownership may be transferred to counties, municipalities, or other entities, provided that mutual consent is reached between the department and the county, municipality, or other entity pursuant to Section 57-5-80. The list shall be approved by the commission.

(B) The System Realignment Fund is hereby created to fund the transfer to local government of roads identified in subsection (A), subject to appropriations by the General Assembly or transfers from the State Highway Fund approved by the Secretary of Transportation.

(C) In counties where all roads identified by the department as non-essential to the State Highway System under this section have been transferred to the county and municipalities within that county, that county's county transportation committee shall not be required to meet the thirty-three percent on state highway system requirements of Section 12-28-2740(C).

(D) In counties where all roads identified by the department as non-essential to the State Highway System under this section have been transferred to the county and municipalities within that county, that county may impose a sales tax of two cents in accordance with the requirements of Section 4-37-30(A).

(E)(1) In a county where all the roads identified by the department as non-essential to the State Highway System under this section that are located in the unincorporated areas of the county have been transferred to the county, the local government may impose additional millage to meet the funding requirements of maintaining the roads. An additional millage imposed pursuant to this section is not subject to the provisions of Section 6-1-320.

(2) In a municipality where all roads identified by the department as non essential to the State Highway System under this section that are located within the municipality have been transferred to the municipality, the municipality may impose additional millage to meet the funding requirements of maintaining the roads.

(3) Any additional millage imposed pursuant to this section is not subject to the provisions of

Section 6 1 320.

SECTION 13. Sections 57-5-820 and 57-5-830 of the S.C. Code are amended to read:

Section 57-5-820. (A) As used in this section and Section 57-5-830:

(1) “Structurally deficient” means not adequate to handle the vehicle weights authorized on roads leading to them.

(2) “Functionally obsolete” means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.

(B)(1) All work to be performed by the ~~Ddepartment~~ department on state highways within a municipality must be with the consent and approval of the proper municipal authorities, except that work performed or to be performed on a bridge and its approaches, certified by the ~~Ddepartment~~ department as functionally obsolete or structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway.

(2) A decision by a municipality to not consent and approve the work must be communicated in writing to the department within one hundred eighty days of receiving notice of the work from the department. A decision to disapprove of the work shall result in the cancellation of the project, unless the project is determined by the commission to be in the best interest of the State.

(3) Failure to provide consent and approval within one hundred eighty days shall be deemed acceptance of the work.

(4) A municipality shall not conditionally approve the work to be performed by the department.

Section 57-5-830. In every case of a proposed permanent improvement, construction, reconstruction, or alteration by the ~~Ddepartment~~ department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started, but in no event shall such review and approval of the plans delay the project schedule as

communicated by the department to the municipality; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the ~~D~~department department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway. Any costs incurred by the department caused by the unreasonable delay in the review and approval of the plans shall be the responsibility of the municipality.

SECTION 14. Sections 57-5-1320 through 57-5-1360 of the S.C. Code are amended to read:

Section 57-5-1320. As used in this section: ~~Unless the context indicates another meaning or intent:~~

(1) “Department” means the Department of Transportation;

(2) “Turnpike facility” means any express highway or limited access highway ~~constructed or~~ any specified lanes or portion thereof, designated and ratified or approved as such under the provisions of this article by the department, whether or not financed with turnpike bonds, including any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, toll house, service station and administration and storage and other buildings and facilities which the department considers necessary or desirable. A turnpike facility constitutes a portion or extension of any existing or proposed highway in the state highway system;

(3) “Bonds or turnpike bonds” means revenue bonds of the State authorized under the provisions of this article and Paragraph (9), Section 13, Article X of the South Carolina Constitution;

(4) “Authority” means the State Fiscal Accountability Authority;

(5) “Turnpike facility revenues” means all revenues resulting from tolls or other charges derived from the operation of a turnpike facility, including revenues derived from concession leases or other concessionaire operated facilities; and, to the extent designated by the bond resolution, such nontax revenues or other legally available funds as are or may be made available to the department from whatever source for the purpose of operating, financing, enforcing, and

maintaining, or any combination thereof, turnpike facilities;

(6) “Bond resolution” means the resolution or resolutions of the ~~state board authority~~ making provision for the issuance of turnpike revenue bonds; as may be supplemented or amended from time to time;

(7) “General obligation bonds” means state highway bonds issued pursuant to Paragraph (6)(a), Section 13, Article X of the South Carolina Constitution;

(8) “State” means the State of South Carolina;

(9) “Commission” means the Commission of the Department of Transportation.

Section 57-5-1330. ~~1.(A)~~ The department may designate, establish, plan, improve, construct, maintain, operate, and regulate turnpike facilities as a part of the state highway system or any federal aid system whenever the department determines the traffic conditions, present or future, justify the facilities, except that the department may not designate as a turnpike facility any highway, road, bridge, or other transportation facility funded in whole or in part by a then imposed local option sales and use tax as provided in imposed pursuant to Chapter 37 of Title 4, unless by agreements with the applicable county government The department may utilize turnpike facilities revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any turnpike facility ~~financed pursuant to this article.~~ The authority to designate turnpike facilities under this section shall at all times be subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified or approved by the State Fiscal Accountability Authority.

~~2.(B) In every highway construction project, except federal and state secondary projects, rehabilitation and widening of federal and state primary and secondary road and bridge projects and highway safety projects, the Department shall consider making all or part of the highway construction a turnpike facility and financing it by the use of turnpike bonds. It shall make an entry in the construction project file indicating whether or not it determines making all or part of the project a turnpike facility. If the determines it is feasible to make all or part of the any construction project a turnpike facility, then it may engage in the preliminary estimates and~~

studies incident to the determination of the feasibility or practicability of constructing any toll road as it from time to time considers necessary and the cost of the preliminary estimates and studies must be paid from the general highway fund and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a toll road.

~~3.~~(C) The department may acquire such lands and property including rights of access as may be needed for turnpike facilities by gift, devise, purchase, or condemnation by easement or in fee simple in the same manner as now or hereafter authorized by law for acquiring property or property rights in connection with other state highways.

~~4.~~(D) In designating, establishing, planning, abandoning, improving, constructing, maintaining and regulating turnpike facilities the department may exercise ~~such~~ authorizations ~~as are granted~~ to the department by the provisions of other statute law applicable to the state highway system, except as they may be inconsistent with the provisions included herein.

~~5.~~(E)(1) The ~~Department~~department may contract with any person, partnership, association or corporation desiring the use of any part of the turnpike facility, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a sufficient number of the aforementioned facilities shall be authorized to be established in each service area along any such turnpike project to permit reasonable competition by private business in the public interest. Revenues from these contracts would be included in turnpike facility revenues.

(2) The department may contract with any political subdivision desiring to assist the department, whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning, financing, improving, constructing, maintaining, and regulating turnpike facilities as may be set forth in a short-term or long-term intergovernmental agreement between the department and the political subdivision. Revenues from these contracts may be pledged for the term thereof and may be included in turnpike facility revenues should the contract so provide. The right to receive any payments under such an intergovernmental agreement may be maintained

by the department or assigned to the trustee for the turnpike revenue bonds, as may be provided or authorized in the bond resolution. The authority to enter into such an intergovernmental agreement is concurrent and supplementary to those general powers granted political subdivisions and the department in the South Carolina Code of Laws, including, without limitation, Title 57.

Section 57-5-1335. ~~The Department of Transportation~~ department, before constructing a bridge or replacing an existing bridge which ~~qualifies~~ is or is anticipated to be designated as a turnpike facility ~~as defined in Section 57-5-1320~~, shall conduct the feasibility study ~~required by~~ referenced in Section 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance Committees of the Senate and the Education and Public Works and Ways and Means Committees of the House of Representatives within fifteen days of the completion of the study.

Section 57-5-1340. In addition to the powers listed above, the South Carolina Department of Transportation may:

~~1.(1) Request~~ request the issuance of turnpike bonds for the purpose of paying all or any part of the cost of any one or more turnpike projects;

~~2.(2) Fix~~ fix and revise from time to time and charge and collect a program of tolls for transit over each designated turnpike facility; constructed by it; and each program may provide for dynamic tolling, scheduled tolling, variable tolling, uniform tolling, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned usage, and any other factors deemed appropriate by the department;

~~3.(3) Combine~~ combine, for the purposes of financing ~~the~~ any turnpike facilities, any two or more turnpike facilities;

~~4.(4) Control~~ control access to turnpike facilities;

~~5.(5) To~~ to the extent permitted by a bond resolution, expend turnpike facility ~~or facilities~~ revenues in advertising the turnpike facilities and services of the turnpike facility or facilities to the traveling public;

~~6.(6)~~ Receive and accept from any federal agency grants for or in the aid of the construction of any turnpike facility;

~~7.(7)~~ Establish a separate division to administer turnpike facilities and a separate turnpike facility account;

~~8.(8)~~ Do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

Section 57-5-1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the commission may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. The request may be in the form of resolution adopted at any regular or special meeting of the commission. The request shall set forth on the face thereof or by schedule attached thereto:

~~1.(1)~~ the turnpike facility proposed to be constructed or designated;

~~2.(2)~~ the amount required for feasibility studies, planning, design, right-of-way acquisition, and construction of the turnpike facility;

~~3.(3)~~ a tentative time schedule setting forth the period of time for which the sum ~~request must~~ requested is expected to be expended;

~~4.(4)~~ a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;

~~5.(5)~~ any feasibility study obtained by the commission relating to the proposed turnpike facility;

~~6.(6)~~ the commission's recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike facility revenues which would otherwise be derived by the proposed turnpike facility.

Section 57-5-1360. Following the receipt of a request pursuant to Section 57-5-1350, the State Fiscal Accountability Authority shall review the request and, to the extent that it approves

the request, it may effect, by bond resolution duly adopted, the issuance of turnpike bonds, or pending their issuance, may effect the issuance of bond anticipation notes pursuant to Title 11, Chapter 17. ~~A resolution approving any proposed turnpike bonds may not be adopted unless before approval the state board conducts, after not less than ten days' published notice, a public hearing in the City of Columbia.~~

SECTION 15. Sections 57-5-1380 through 57-5-1460 of the S.C. Code are amended to read:

Section 57-5-1380. (A) For the payment of the principal of and interest on all turnpike bonds, there is irrevocably pledged ~~all turnpike revenues derived from the~~ turnpike facility revenues financed by the bonds to the extent and in the manner prescribed by the bond resolution. Any interest earned on turnpike facility account balances must be credited to the turnpike facility account as prescribed in the bond resolution.

(B) The turnpike bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the turnpike facility revenues. The turnpike bonds issued do not constitute an indebtedness of the State, State Fiscal Accountability Authority, or department within the meaning of any state constitutional provision or statutory limitation, except indebtedness payable solely from a revenue producing source or from a special source that does not include revenues from any tax within the meaning of Paragraph (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit, and taxing powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the turnpike bonds and this fact must be plainly stated on the face of each turnpike bond. The State Fiscal Accountability Authority and the department each lack taxing power.

Section 57-5-1390. Turnpike bonds shall bear interest, payable on occasions prescribed by the State Fiscal Accountability Authority, at a rate not exceeding the maximum prescribed by ~~Section 11-9-350~~ the bond resolution. Each issue of turnpike bonds shall mature on the occasion prescribed by the State Fiscal Accountability Authority, not exceeding forty years from the date

the bonds ~~be~~are issued. Turnpike bonds may, in the discretion of the State Fiscal Accountability Authority, be made subject to redemption at par and accrued interest, plus such redemption premium as it approves and on occasions and under conditions it prescribes. Turnpike bonds are not redeemable before maturity unless they contain a statement to that effect.

Section 57-5-1400. Turnpike bonds must be sold at private or public sale under conditions prescribed by the bond resolution~~State Fiscal Accountability Authority~~. For the purpose of bringing about successful sales of the bonds, the State Fiscal Accountability Authority may do, or cause to be done, all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of the turnpike bonds must be paid from the proceeds of the sale of the bonds or turnpike facility revenues.

Section 57-5-1410. All turnpike bonds must be executed in the name of and on behalf of the State ~~of South Carolina~~ and must be signed by the Governor and the State Treasurer. The Great Seal of the State must be affixed to, impressed, or reproduced upon each of them and they must be attested by the Secretary of State. If approved by the State Fiscal Accountability Authority, ~~any one or two~~ of the officers may, in lieu of manually signing, employ the use of the facsimile of their signatures in executing any turnpike bonds.

Section 57-5-1420. The proceeds derived from the sale of turnpike bonds must be applied only to the purposes ~~for which bonds are issued~~ authorized by this article and provided in the bond resolution.

Section 57-5-1430. Turnpike bonds must each be in the denomination of one thousand or five thousand dollars or some multiple thereof or such larger denominations as may be authorized by the State Fiscal Accountability Authority in the bond resolution.

Section 57-5-1440. ~~Turnpike bonds issued pursuant to this article may be in the form of~~

~~negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name on the books of the State Treasurer as to principal only, or as to both principal and interest, and the principal or both principal and interest, as the case may be, thus made payable to the registered holder, subject to conditions the State Fiscal Accountability Authority prescribes. Turnpike bonds so registered as to principal in the name of the holder may thereafter be registered as payable to bearer and made payable accordingly.~~

Turnpike bonds may also be issued as fully registered bonds with both principal and interest made payable only to the registered holder. The fully registered bonds are subject to transfer under conditions the State Fiscal Accountability Authority prescribes. ~~The fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.~~

Section 57-5-1450. (A) The State Fiscal Accountability Authority, by bond resolution duly adopted, may make provision for the issuance of turnpike bonds. In the bond resolution, the State Fiscal Accountability Authority may prescribe:

- (1) the amount, denomination, and numbering of turnpike bonds to be issued;
- (2) ~~the date as of which they must be issued~~ method or manner of dating the turnpike bonds;
- (3) the estimated maturity schedule for the retirement of the turnpike bonds and a pro forma table of anticipated principal and interest payments for such turnpike bonds;
- (4) the form or forms of the turnpike bonds of the particular issue;
- (5) the redemption provisions or manner of determining the same, if any, applicable to the bonds;
- (6) the maximum rate or rates of interest the turnpike bonds shall bear;
- (7) the specific purposes for which the turnpike bonds must be issued;
- (8) the purposes for which the proceeds of the turnpike bonds must be expended, in the discretion of the State Fiscal Accountability Authority, a portion of the proceeds may be used as capitalized interest during the period of construction and initial operation and for the creation of appropriate debt service reserves and other funds and accounts as the State Fiscal Accountability

Authority deems necessary or expedient from the turnpike bonds and the proper operation and functioning of the turnpike facilities;

~~—(9) the method and conditions by which turnpike revenues from the turnpike facility so financed must be collected and utilized;~~

~~(10)(9) the extent to which and the conditions under which additional parity turnpike bonds may be issued;~~

~~(11)(10) any covenant considered necessary protecting the turnpike facility so financed from possible future competition from other highways or comparable facilities;~~

~~(12)(11) the authorized method or methods by which the turnpike bonds must be sold and such other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the turnpike bonds.;~~

~~(12) the conditions under which refunding turnpike bonds may be issued.~~

~~—(B) Except as otherwise provided in this article, all expenses incurred in carrying out the provisions of this article are payable solely from funds provided under the authority of this article or from any funds provided by the federal government or from other special sources and no liability or obligation may be incurred by the department beyond the extent to which money has been provided under the provisions of this article.~~

~~(C)(B) The bond resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of turnpike facility revenues made by the commission and approved by the State Fiscal Accountability Authority indicates that collection from turnpike facility revenues for applicable fiscal years is expected to be not less than that required for annual debt service requirements of the requested turnpike bonds. In making such finding, the department and the authority may rely in whole or in part on the work product of third-party professionals engaged to provide financial, feasibility, or practicability studies related to the turnpike facilities or the financing thereof through turnpike bonds.~~

~~(C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or modify in any way, the designation of turnpike facilities proposed pursuant to Section 57-5-1350.~~

(D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the combining of any turnpike facilities then existing or proposed pursuant to Section 57-5-1350; provided, however, that prior to ratifying and approving such a combination from time to time the authority shall make a finding that it is in the best interest of the State after taking into account factors including, but not limited to, geographic connection, regional transportation planning, operational efficiencies, revenue stability, bonding capacity, and such other factors as it finds relevant.

Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to the satisfaction of the Governor and the State Treasurer that the estimated collection from the ~~sources of revenue~~ turnpike facility revenues in applicable future fiscal years are not less than that required for annual debt service requirements for the requested turnpike bonds, then the Governor and State Treasurer may effect the delivery of bonds in accordance with the bond resolution.

SECTION 16. Sections 57-5-1480 through 57-5-1495(A), (B), and (C) of the S.C. Code are amended to read:

Section 57-5-1480. It is lawful for all executors, administrators, guardians, and other fiduciaries and all sinking fund commissions, including the ~~State Fiscal Accountability Authority Retirement System Investment Commission~~ and Public Employee Benefit Authority in their capacities as cotrustees of the funds of the South Carolina Retirement System and ~~as any~~ manager and administrator of ~~other~~ state sinking funds, to invest any monies in their hands in turnpike bonds.

Section 57-5-1490. Any person who uses any turnpike ~~project~~ facility and fails or refuses to pay the any toll ~~provided therefor~~ then due shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred dollars or by imprisonment

for not more than thirty days, and in addition thereto the ~~D~~department department shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof.

Section 57-5-1495. (A) As used in this section:

(1) "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder or person the appropriate toll or charge by electronic meanstransmission of information from an electronic device on a motor vehicle to the toll lane, ~~which information is used to charge the account the appropriate toll or charge.~~

(2) "Lessor" means any person, corporation, firm, partnership, agency, association, or organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein the said lessee has the exclusive use of the vehicle for any period of time.

(3) "Lessee" means any person, corporation, firm, partnership, agency, association, or organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of the vehicles for any period of time.

(4) "Owner" means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security ~~or an entity who, at the time of a toll violation and with respect to the vehicle involved in the violation, is the registrant or co-registrant of the vehicle with the Department of Motor Vehicles of this State or another state, territory, district, province, nation, or jurisdiction.~~

(5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of toll collection regulations.

(6) "Toll violation" means the passage of a vehicle through a toll collection point without payment of the required toll.

(7) "Motor vehicle" or "vehicle" means every vehicle which is self-propelled ~~"Vehicle" means~~

~~a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.~~

(B) Notwithstanding another provision of law, when a vehicle is driven through a turnpike facility without payment of the required toll, the owner ~~and operator~~ of the vehicle is ~~jointly and severally liable~~ responsible to the Department of Transportation to pay the required toll, administrative fees, and civil penalty as provided in this section. The department or its authorized agent may enforce collection of the required toll as provided for in this section.

(C) A certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a toll violation has occurred, based upon inspection of photographs, microphotographs, videotape, ~~or other recorded images,~~ or other electronic means, produced by a photo-monitoring system, is prima facie evidence of the violation and is admissible in any proceeding charging a toll violation pursuant to this section. A photograph, microphotograph, videotape, or other recorded image evidencing a violation must be available for inspection by the party charged and is admissible into evidence in a proceeding to adjudicate liability for a violation.

SECTION 17. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1710.(A). As used in this section, “phased design-build” means a project delivery method that uses a stepped or progressive qualifications-based selection process, followed by a progression to a contract price. The department must select the phased design-build contractor exclusively on qualifications and technical approach, without consideration of schedule or costs, which must deliver the project in multiple phases.

(1) The phased design-build contractor is initially under contract for preconstruction activities including, but not limited to, project validation, designing and developing plans, performing constructability reviews, and developing construction schedules and pricing.

(2) The department and the phased design-build contractor shall establish a guaranteed maximum construction cost. The guaranteed maximum construction cost is the total dollar amount within which the phased design-build contractors shall complete the final design and

construction of the project including the contractor's direct costs, overhead, and profit, plus any authorized contingency. Upon agreement of the guaranteed maximum construction cost, the department and the phased design-build contractor will execute a second contract or an amendment to the initial contract for completion of the final designs and construction of the project consistent with subsection (C).

(3) If the department and phased design build contractor cannot reach agreement on a guaranteed maximum construction cost, then the department shall take ownership and assume liability of the design work product. Nothing shall prohibit the department from pursuing the project under any other legally allowed method.

(B) The department may only award a contract under this section if the department:

(1) determines that it is in the public's interest to use the phased design-build project delivery method; and

(2) prequalifies the prime contractor and lead designer firm that will be awarded the contract.

(C) The method for the department to award a contract using phased design-build procedures shall be:

(1) Prior to the initiating a phased design build procurement under this section, the department shall submit a report to the Joint Bond Review Committee on the nature and scope of the project and the reasons the phased design-build procurement project delivery method will best serve the public interest. The department shall not initiate a procurement until the Joint Bond Review Committee has provided its review and comment.

(2) Upon completion of a project awarded under subsection (B), the department shall submit a post-completion report to the Joint Bond Review Committee detailing the project results, including any cost and time efficiencies achieved using the phased design-build project delivery method. This report must include a cost analysis comparing the use of phased design-build for awarding contracts with the award of contracts under the existing procedure.

(D) The department may promulgate regulations to implement the phased design-build method.

Section 57-5-1720.(A) The department may award highway construction contracts using a

construction manager/general contractor (CM/GC) procedure. Under a CM/GC contract, the department shall perform preconstruction services via department personnel or via contract. A CM/GC contractor is responsible for providing advisory preconstruction services of the department's design including, but not limited to, constructability review, scheduling, pricing, and phasing. The CM/GC contractor shall be able to perform construction should the department and the contractor agree to a guaranteed maximum price.

(B) Should a guaranteed maximum price agreement be reached, construction services shall commence under a subsequent contract instrument. The contract instrument may be in the form of a CM/GC contract, a franchise agreement, or any other form of contract approved by the department. Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(C) Selection criteria shall include the contractor's cost for preconstruction services associated with the project, contractor qualifications, experience, past performance, best value, or any combination of the aforementioned criteria, or any other combination of selection criteria considered appropriate by the department.

(D) The department may promulgate regulations to implement the CM/GC project delivery method.

SECTION 18. Sections 56-5-4210 through 56-5-4220 of the S.C. Code are amended to read:

Section 56-5-4210. (A) Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the

limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer, or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

(B) The imposition of any restrictions pursuant to subsection (A) must first be approved by the Department of Transportation on any highways transferred to local authorities after July 2026.

Section 56-5-4220. No limitation shall be established by any county, municipal, or other local authority pursuant to the provisions of Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder ~~over~~ along public state highways, including officially established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal, or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts that have failed to meet the National Bridge Inspection Standards as administered by the Department of Transportation upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.

SECTION 19. Section 11-43-140 of the S.C. Code is amended to read:

Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: ~~the Chairman of the Department~~ the Secretary of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President of the Senate; and one member of the Senate appointed by the President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.

SECTION 20. Section 11-35-710 of the S.C. Code is amended to read:

Section 11-35-710. (A) The board, upon the recommendation of the chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer's area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

(1) ~~the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency-type parts or equipment utilized by the Department of Transportation or the Department of Public Safety~~ the acquisition by the Department of Transportation of: transportation planning; the construction, maintenance, design, financing, operation, and repair of bridges, highways, roads, and other improvements within the state rights of way; technology related to operations within the state rights of way; and vehicle and road equipment maintenance and repair and other emergency-type parts and equipment;

(2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;

(3) South Carolina State Ports Authority;

(4) Division of Public Railways of the Department of Commerce;

(5) South Carolina Public Service Authority;

(6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;

(7) livestock, feed, and veterinary supplies;

(8) articles for commercial sale by all governmental bodies;

(9) fresh fruits, vegetables, meats, fish, milk, and eggs;

(10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;

(11) published books, periodicals, and technical pamphlets;

(12) South Carolina Research Authority;

(13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;

(14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;

(15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business

thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4).

(16) the acquisition by the Department of Public Safety of vehicle and road equipment maintenance and repair and other emergency-type parts and equipment.

(B) The State Fiscal Accountability Authority shall maintain and post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A);

SECTION 21. Section 12-28-2740 of the S.C. Code is amended to read:

Section 12-28-2740. (A) The proceeds from ~~two and sixty-six~~ three and ninety-nine one-hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one-third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one-third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one-third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. The Department of Revenue shall collect the information required pursuant to Section 12-28-1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection ~~(H)~~(I). The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

(B) All interest earnings on the County Transportation Fund in the State Treasury must be added

to the distribution to counties under this section in proportion to each county's portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own “C” funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own “C” funds.

~~(B)(C)~~(1) The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee.

(2) The county legislative delegation shall appoint the county transportation committee, and shall ensure that the committee includes fair representation from municipalities and unincorporated areas of the county. All members of the county transportation committee must be residents of the county. The Department of Transportation shall publish a register on its website of members of the respective county transportation committees. The county transportation committee shall publish on the county website the members of the county transportation committee.

(3) The countywide transportation plan shall list the criteria by which projects shall be selected by the county transportation committee. The criteria shall include, but not be limited to, the condition of state and local highway roads and bridges, safety, efficient traffic operations, and economic development. The plan shall be updated at least every four years. Expenses related to preparing a plan may be incurred from “C” funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. The county transportation committee shall publish on the county website the countywide transportation plan.

(4) County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. The regional transportation plan shall be updated every four years. Expenses related to preparing a plan may be incurred from “C” funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee.

(5) A county transportation committee may expend from the funds allocated under this section

an amount not to exceed ~~twoten~~ ten thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

(6) A county transportation committee shall comply with notice requirements under Section 30-4-80(a). The agenda shall include the proposed actions of the county transportation committee and include the requested amount of "C" funds to be allocated.

(7) A county transportation committee shall comply with the minutes requirements Section 30-4-90. The minutes shall include the final amount of "C" funds allocated to each recipient.

(8) A county transportation committee shall meet at least twice annually.

~~(C)~~(D) At least ~~twenty-five~~ thirty-three percent of a county's apportionment of "C" funds, based on a biennial averaging of expenditures, must be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to ~~seventy-five~~ sixty-seven percent of "C" construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

~~(D)~~(E) The funds allocated to the county also may be used to issue county bonds or state highway bonds as provided in subsection ~~(J)~~(K), pay directly for appropriate highway projects, including engineering, contracting, and project supervision, and match federal funds available for appropriate projects. Beginning July 1, 2002, for any new "C" fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year.

Expenditures must be documented on a per-project basis upon the completion of each project in reports to the respective county transportation committees. This documentation must be provided by the agency or local government actually expending the funds and it shall include a description of the completed project and a general accounting of all expenditures made in connection with the project summaries of these reports then must be forwarded by each county transportation committee to the department using guidelines established by the department and the department shall compile these reports into an annual statewide report to be submitted to the General Assembly by the second Tuesday of January of each year. The documentation and reporting requirements of this subsection apply only to counties administering their own “C” funds. For purposes of this section, “uncommitted funds” means funds held in the county's “C” fund account that have not been designated for specific projects.

~~(E)~~(F) All unexpended “C” funds allocated to a county remain in the account allocated to the county for the succeeding fiscal year and must be expended as provided in this section.

~~(F)~~(G) The countywide and regional transportation plans provided for in this section must be reviewed and approved by the Department of Transportation. Before the expenditure of funds by a county transportation committee, the committee shall adopt specifications for local road projects. In counties electing to expend their allocation directly pursuant to subsection (A), specifications of roads built with “C” funds are to be established by the countywide or regional transportation committee. In counties in which the county transportation committee elects to have “C” funds administered by the Department of Transportation, primary and secondary roads built using “C” funds must meet Department of Transportation specifications.

~~(G)~~(H) This section must not be construed as affecting the plans and implementation of plans for a Statewide Surface Transportation System as developed by the Department of Transportation.

~~(H)~~(I)(1) For purposes of this subsection, “donor county” means a county that contributes to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer to the donor counties an amount equal to seventeen million dollars in the ratio of the individual donor county's contribution in excess of

“C” fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties.

(2) A county is eligible for an additional allocation from the Department of Transportation if the county contributed to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A) plus what it receives under item (1). The Department of Transportation annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the ratio of the individual eligible county's contribution to the “C” fund in excess of the eligible county's total allocations under subsection (A) and item (1) to the total excess contributions of all eligible counties remaining after all allocations under subsection (A) and item (1) have been made. Under no circumstances can an allocation under this item result in an eligible county receiving total allocations in excess of what the county contributed to the “C” fund.

~~(I)~~(J)(1) In expending funds pursuant to this section, counties that administer their own “C” funds shall use a procurement system that requires competitive sealed bids, no bid preferences not required by state or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred thousand dollars must be accompanied by certified bid bonds, and all work awarded under the contracts must be covered by performance and payment bonds for one hundred percent of the contract value. Bid summaries must be published in a newspaper of general distribution following each award.

(2) The requirement of a bond for bid security or a bond for payment and performance may not include the requirement that the surety bond be furnished by a particular surety company or through a particular agent or broker.

~~(J)~~(K) State highway bonds may be issued for the completion of projects for which “C” funds may be expended for projects as determined by the county transportation committee. ~~The applicable source for payment of principal and interest on the bonds is the share of “C” fund revenues available for use by the county transportation committee.~~ The application for the bonds must be filed by the county transportation committee with ~~the Commission~~ of the Department of Transportation and the State Treasurer, which shall forward the application to the State Fiscal Accountability Authority. The Department of Transportation shall review the request and ensure

it includes the information and schedules contemplated by Section 57-11-220 and that estimated principal and interest on the proposed bonds may be met from such county's "C" funds, and if it, through the Secretary of Transportation, finds that such request, as submitted or as supplemented by the department, includes the required information, demonstrates that available "C" funds will satisfy estimated principal and interest on the proposed bonds, and does not unreasonably impact the published plans of the Department of Transportation, then it shall submit such request for state highway bonds to the State Fiscal Accountability Authority. The State Fiscal Accountability Authority shall consider the application request in the same manner that it considers state highway bonds, mutatis mutandis. The county transportation committee shall allocate and apply from its share of "C" fund revenues available for use by the county transportation committee the amount of principal and interest on the state highway bonds. The department shall provide notice of the debt service requirements of such state highway bonds upon the issuance thereof to the county transportation committee.

~~(K)(L)~~ Members of the committee are insulated from all personal liability arising out of matters related directly to and within the scope of the performance of official duties and functions conferred upon the committee pursuant to this section.

~~—(L) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.~~

~~—(M) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996. In addition to the members and appointment procedures of the Dorchester County Transportation Committee as provided by this section and subsection, two additional members of the county transportation committee must be appointed from that portion of the Town of Summerville in Dorchester County and that portion of the City of North Charleston in Dorchester County. These members must be residents of the designated municipalities and of the county, and notwithstanding another provision of this subsection, must be appointed by the governing body of the respective municipality.~~

~~—(N) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996 and Section 2, Act 141 of 2001.~~

~~(O)(M)~~ Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution ~~abolish the county transportation committee and~~ devolve its powers and duties to appoint the members of the committee to ~~on~~ the governing body of the county. This devolution may be reversed ~~and the county transportation committee reestablished by~~ a subsequent delegation resolution. ~~The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding.~~

~~(P)(N)~~ The Department of Transportation shall perform reviews to ensure compliance with subsections (C)(3), (C)(4), (C)(5), (C)(6), (C)(7), (C)(8), ~~(C)(D), (D)(E), (F)(G), and (H)(J)~~. A county failing to comply with these subsections must have all subsequent “C” fund allocations withheld until the requirements of those subsections are met. If a county fails to comply with those subsections within twenty-four months, then the county forfeits fifty percent of its allocations for the following year and the forfeited amount must be divided among the other counties as provided in subsection (A).

~~(Q)(O)~~ A county subject to a proposed withholding or forfeiture of “C” fund allocations pursuant to this section must be notified in writing of the department's decision. The county, within sixty days of receipt of notice of the decision, may request a review of the decision by a panel consisting of the state highway engineer or his designee, the chairman of the affected county's transportation committee or his designee, and a third person named by mutual agreement between the state highway engineer and the county transportation committee chairman. The panel shall meet and render a decision within ninety days of the request by the county transportation committee. The decision of the panel may be appealed by requesting a contested case hearing before the Administrative Law Court pursuant to Section 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must be made within thirty days of receipt of the panel's decision.

~~(R)(P)~~ The legislative delegation of the county, by resolution, may rename the county transportation committee established by this section as the (insert name of county) Legislative Delegation transportation committee. Upon the adoption of such a resolution, all references in this section and any other provisions of law to the county transportation committee, for purposes

of that county, are deemed references to that county's legislative delegation transportation committee.

~~—(S) Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this chapter that must be deposited with the State Treasurer and expended for the purposes of this section must be increased by .3325 cents a gallon, until such time as the total amount equals three and ninety-nine one-hundredths cents a gallon. Any increase in proceeds resulting from the provisions of this subsection must be used exclusively for repairs, maintenance, and improvements to the state highway system.~~

(Q) It is unlawful for a member of a county transportation committee, an engineer, agent, or other employee, acting for or on behalf of a committee, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

- \_\_\_ (1) money;
- \_\_\_ (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;
- \_\_\_ (3) political appointment or influence, present, or reward;
- \_\_\_ (4) employment; or
- \_\_\_ (5) other thing of value.

A person violating the provisions of subsection is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(R) Any official or employee of a county transportation committee is subject to the provisions of Chapter 13, Title 8, the State Ethics Act.

SECTION 22. Section 12-28-2920 of the S.C. Code is amended to read:

Section 12-28-2920. The department shall review projects for the possibility of constructing toll roads to defray the cost of these projects pursuant to the authority granted the department in ~~Section 57-5-1330~~ Title 57, Chapter 5, Article 9, as well as Section 57-3-205. No project may be funded in whole or in part by means of imposing a toll on the users of the project unless ~~in conjunction with federal funds authorized for use on toll roads~~ it is determined to be substantially feasible by the department, taking into account all funding sources. The funds derived from tolls must be:

(1) credited to the State Highway Fund ~~or~~;

(2) retained and applied by the entity or entities developing the toll road pursuant to an agreement authorized under Section 57-3-200 or 57-3-205 for the purpose of funding the cost of construction, financing, operation, and maintenance of the toll project; ~~or~~

~~(2)~~(3) used to service bonded indebtedness for highway transportation purposes incurred pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution; or

(4) used to pay for the operation and maintenance costs of the toll project.

~~Upon repayment of the cost of construction and financing, toll charges shall cease.~~

SECTION 23. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1800 (A) There is established within the Department of Transportation the Pothole Mitigation Program for the purposes of public reporting of pothole locations along the state highway system. The department must implement the program in each county.

(B) The Pothole Mitigation Program must provide means for the public to report the location of potholes to the department via telephone, the internet, a website application, or other electronic means as determined by the department. Within one year of adoption of this act, the department shall make available on the commercial mobile application stores a free application that allows the public to report the location of a pothole. The department must post notices in conspicuous locations including the department website, the State Highway Map, rest areas, and other facilities

that provide information about the means for the public to report potholes.

(C) The department must ensure that, within seven days of receiving notice of the location of a pothole, the pothole is repaired. Each pothole repair must be a permanent repair unless weather conditions, emergency events, supplier availability, or other exigent circumstance requires a temporary repair until a permanent repair can be made. The department may use its own personnel or may contract with outside parties for pothole repair pursuant to the Pothole Mitigation Program.

(D) From the Infrastructure Maintenance Trust Fund, the department shall annually allocate \$15 million for full depth pavement repairs of repetitive potholes as identified in Section 57-5-1800(B). These funds shall be in addition to existing funds allocated for pavement rehabilitation.

SECTION 24. Section 57-11-210 of the S.C. Code is amended to read:

Section 57-11-210. The terms ~~defined herein shall have the meanings hereinafter set forth~~used in this section shall have the following meaning:

(1) “Fiscal year” means the fiscal year upon which the affairs of the State of South Carolina are then being conducted. As of the date of this enactment it is that which begins on July first and ends on June thirtieth of the succeeding calendar year.

(2) “Fuel oil user fee” means the user fee levied pursuant to Chapter 28, Title 12.

(3) “Gasoline user fee” means the per gallon user fee imposed upon gasoline, components thereof or substitutes therefor, pursuant to the provisions of Chapter 28 of Title 12.

(4) “Commission” means that agency of government now composed in accordance with the provisions of Article 3 of Chapter 1, Title 57, and any other commission or agency of government hereafter exercising the powers granted to the commission pursuant to the provisions of Chapter 1, Title 57.

(5) “Highway transportation purposes” means the construction of roads and bridges now or hereafter made a part of the state highway system, or the reconstruction and improvement of highways and bridges now or hereafter made a part of the state highway system and to provide

state funds to obtain matching federal highway funds.

(6) “Motor vehicle license tax” means the annual tax imposed upon a corporation, an individual, and an owner of a motor and other vehicle pursuant to the provisions of Title 56 and Title 57.

(7) “Road tax” means the road tax imposed on motor carriers pursuant to Chapter 11, Title 56.

(8) “Sources of revenue” means the gasoline user fee, the fuel oil user fee, the road tax, [the alternative fuel fees](#), and the motor vehicle license tax.

(9) “Authority” means the State Fiscal Accountability Authority of South Carolina.

(10) “State highway bonds” means all general obligation bonds of the State of South Carolina designated as state highway bonds, which are now outstanding and which may hereafter be issued pursuant to the authorizations of this article.

[\(11\) “Alternative fuel fees” means those charges imposed pursuant to Section 56-3-645.](#)

SECTION 25. Section 56-3-645 of the S.C. Code is amended to read:

Section 56-3-645. (A) In addition to the registration fees imposed by this chapter, the owner of motor vehicles that are powered:

(1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section 12-28-110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial ~~road-use~~[alternative fuel](#) fee of ~~one-four~~ hundred ~~twenty~~ dollars; and

(2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial ~~road-use~~[alternative fuel](#) fee of ~~sixty-two~~ hundred dollars.

[\(B\) Notwithstanding subsection \(A\), when a vehicle owner registers a vehicle with a declared gross vehicle weight, pursuant to Section 56-3-660, of at least eleven thousand one pounds that is powered by a source prescribed in either subsection \(A\)\(1\) or \(A\)\(2\), the owner owes the applicable alternative fuel fee plus an additional ten percent. The total alternative fuel fee owed increases ten percent for each of the gross vehicle weight ranges prescribed in Section](#)

56-3-660(B). Vehicle owners registered under Section 56-3-660 must pay the applicable amount based on the gross vehicle weight of the registered vehicle. Commercial motor vehicles powered by alternative fuels that participate in the international registration plan or international fuel tax agreement are exempt from this subsection.

(C) Beginning October 1, 2030, and every fourth year thereafter, the Revenue and Fiscal Affairs Office must review and may adjust the amount of fees charged pursuant to subsection (A)(1) and (A)(2) according to the average change in the Consumer Price Index for All Urban Customers as published by the Bureau of Labor Statistics of the United States Department of Labor from the previous review. The adjustment may be either upward or downward in accordance with the Consumer Price Index. The Office must report the new fee to the Department of Motor Vehicles no later than October fifteenth of the appropriate year. The department must apply the revised fee amount to vehicles subject to the fee beginning with those required for registration in January of the next calendar year and conspicuously post the new fee on its official agency website. This does not apply to section 56-3-645(B).

~~(B)(D)~~ All of the fees collected pursuant to this section must be credited to the ~~Infrastructure Maintenance Trust Fund~~ State Highway Fund.

~~(C)(E)~~ The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is ~~titled or~~ registered.

(F) The charges imposed by this section constitute a tax or license imposed upon individuals or vehicles for the privilege of using the public highways of the State.

SECTION 26. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving the state's transportation system as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 27.If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 28. This act takes effect upon approval by the Governor. County Legislative delegations have ninety days from the effective date of this act to comply with the provisions of Section 12 28 2740(C)(2).

Renumber sections to conform.  
Amend title to conform.



# SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

## STATEMENT OF ESTIMATED FISCAL IMPACT

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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 5071	Introduced on January 29, 2026
<b>Subject:</b>	Department of Transportation	
<b>Requestor:</b>	House Ways and Means	
<b>RFA Analyst(s):</b>	Griffith, Daigle, and Miller	
<b>Impact Date:</b>	February 18, 2026	

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### Fiscal Impact Summary

This bill establishes the Coordinating Council for Transportation and Mobility (CCTM), which is responsible for developing coordinated transportation plans and policy for South Carolina, for approving the long-range Statewide Transportation Plan, and for reviewing and commenting on plans developed by the member agencies for the furtherance of coordinated transportation planning in the state, among other responsibilities. The bill also reduces the number of members of the Commission of the Department of Transportation (DOT), transfers certain responsibilities from the Commission to DOT, and designates the governing authority of DOT to the Secretary of Transportation, who will be appointed by the Governor.

The bill makes changes to DOT's authority to designate turnpike facilities (toll roads), changes the requirements and process for highway construction contracts and phased design-builds, and establishes a new process for transferring ownership for certain roads from state to local governments. To fund the transfer of nonessential roads to local governments, the bill creates the System Realignment Fund within DOT. The fund may receive monies from an appropriation or authorization of the General Assembly, and the Secretary of Transportation may transfer monies from the State Highway Fund (SHF). The bill also increases certain alternative fuel vehicle fees and adds a new fee on publicly-accessible electric vehicle (EV) charging stations.

DOT expects to manage any expenses associated with the requested public hearings for transportation projects, expanded audit and reporting responsibilities, the creation of the CCTM, and additional planning and oversight functions with existing staff and appropriations. Additionally, DOT indicates that it will need 9.0 FTEs, with salary and fringe of \$1,200,000, to manage the public-private partnerships and other administrative and operational functions related to the new responsibilities surrounding tolls. DOT indicates that they can manage the expenses with existing appropriations and revenues generated by the bill. Please note that over time, the expenditures are expected to be offset or fully recouped through toll revenues, user fees, and project financing mechanisms, subject to project performance and traffic volumes.

This bill will increase recurring expenditures of the Department of Motor Vehicles (DMV) by approximately \$154,000 beginning in FY 2026-27. Of this amount, \$136,000 is for 3.0 FTEs, who will be responsible for notifications to motor vehicle registrants whose registrations are pending suspension or suspended for toll violations. The remaining \$18,000 is for mailing costs. DMV will request a General Fund appropriation increase for these expenditures.

This bill will increase recurring expenditures of the Secretary of State's Office by approximately \$69,000 for 1.0 FTE (Administrative Assistant) to manage the processing of filed public-private partnership contracts. Additionally, Other Funds expenditures are expected to increase by a range of \$102,000 to \$252,000 in FY 2026-27 for technology required for the development, storage, indexing, certifying, and securing of documents related to public-private partnership contracts. Further, the Secretary of State's Office notes that additional office space will be needed to accommodate the new FTE and equipment since the Office is currently at full capacity. However, the cost is unknown at this time. The bill specifies that the Secretary of State's Office may charge a fee for each certification of filed public-private partnership documents. While the revenue from this fee may offset some of the Office's costs, the Office expects that expenditures will exceed revenue. The Office will request an increase in Other Funds authorization and a General Fund appropriation increase to cover the remaining expenses.

The bill adds the Secretary of DOT to the South Carolina Transportation Infrastructure Bank (SCTIB) Board of Directors. SCTIB expressed concerns that amending its board could fiscally impact SCTIB because it will change the current operating procedures but could not quantify the impact at this time.

The bill will have no fiscal impact on the Department of Public Safety (DPS), the Department of Commerce, the Office of Regulatory Staff (ORS), the Department of Natural Resources (DNR), the Department of Environmental Services (DES), the Governor's Office, the House of Representatives, the Senate, the Retirement System Investment Commission (RSIC), the State Fiscal Accountability Authority (SFAA), the Office of the State Auditor, the Office of the Attorney General, the Revenue and Fiscal Affairs Office (RFA), or the State Ethics Commission as this bill marginally affects current operations, and these agencies will manage the responsibilities with existing staff and resources. However, if the ORS Director's time served on the CCTM exceeds a de minimis amount, ORS may request an increase in Other Funds authorization to ensure utility ratepayers do not bear the costs.

The fiscal impact of the bill on the Ports Authority and the Aeronautics Commission is pending, contingent upon a response from each agency.

As this bill creates a new felony offense, the bill may impact the caseload and case progression in circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and the Department of Probation, Parole, and Pardon Services (PPP). The potential increase in expenses for Judicial and each agency will depend upon the increase in the number of cases and number of incarcerations. Judicial and these agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

Overall, Other Funds revenue of DOT will increase by an undetermined amount based on the new fees. DOT may receive additional funding from appropriations to the System Realignment Fund, turnpike facility revenue, alternative fuel fees, and electric vehicle charging fees.

Any appropriations to the System Realignment Fund are at the discretion of the General Assembly and are undetermined at this time.

This bill permits the funds derived from toll roads to be used to pay the operation and maintenance costs of a toll project. As it is unknown how many roads DOT will designate as toll roads and how soon turnpike facilities would begin generating revenue, the Other Funds revenue increase of DOT is undetermined. DOT will use the revenue to offset the administration costs of turnpike facilities but indicates that the revenue is expected to exceed the expenditures, with the excess revenue supporting project costs.

The bill increases the biennial alternative fuel fees for motor vehicles that are powered exclusively by electricity, hydrogen, or any fuel other than motor fuel and for motor vehicles who are powered by a combination of these and motor fuel subject to motor fuel user fees. Commercial motor vehicles powered by alternative fuels that participate in the international registration plan or international fuel tax agreement are exempt from the fees. The alternative fuel fees collected must be credited to the SHF. Currently, alternative fuel fees are credited to the Infrastructure Maintenance Fund (IMTF). RFA anticipates that alternative fuel fees will increase Other Funds revenue of DOT between \$26,343,000 biennially and \$27,705,000 biennially, depending on how the 10 percent increase in the fee for vehicles over 11,000 pounds for each weight range is implemented.

This bill imposes a user fee of four-and-one-half-cents per kilowatt-hour (KWh) on electricity consumed when using publicly accessible EV charging stations. Every four years, RFA must adjust the user-fee for inflation and report the new fee to the Department of Revenue (DOR), which will be applicable beginning January first of the next calendar year. User-fee collections must be credited to the SHF. RFA estimates that the new EV charging state fees will increase Other Funds revenue of DOT by approximately \$2,456,000 beginning in FY 2026-27.

The bill requires DOT to publish a list of nonessential roads and may transfer ownership to counties, municipalities, and other entities. The list must be approved by the CCTM. To fund the transfer of nonessential roads to local governments, the bill creates the System Realignment Fund within DOT. The fund may receive monies from an appropriation or authorization of the General Assembly, and the Secretary of Transportation may transfer monies from the SHF. Further, the bill permits any county in which all roads identified by DOT as non-essential to the State Highway System have been transferred to the local governments in the county may impose a local option transportation sales tax of 2 percent, compared to the 1 percent tax currently allowed. Any increase in local option transportation sales tax collections due to the authorized 2 percent sales tax is undetermined as the imposition of the additional tax is permissive in nature and will depend upon what roads are transferred from DOT to local government for maintenance and whether the tax is approved by referendum.

The bill allows local governments to impose additional millage to meet the funding requirements of maintaining the roads transferred from DOT. The initial additional millage is not subject to the millage rate increase limitation pursuant to Section 6-1-320. The increase in local property tax due to the increase in millage is undetermined as the imposition of additional millage is permissive in nature and will depend upon what roads are transferred from DOT to local government for maintenance and the millage the local government chooses to impose. For reference, as of tax year 2023, the value of mil by county ranges from \$32,080 to \$5,390,974.

As this bill creates a new offense, it may generate additional General Fund, Other Funds, and local fine revenue. However, as the number of such offenses that may occur in a given year and the resulting fines and fees that may be assessed are unknown, the revenue impact is undetermined.

RFA contacted all forty-six counties and the Municipal Association of South Carolina (MASC) regarding the potential fiscal impact of the bill. Lancaster County expects that the expenses related to the maintenance of transferred roads will outweigh the amount of “C” Funds that the County can now expend on these roads. MASC also anticipates that these changes could result in an increase in expenditures for municipalities, but the amount is unknown.

## **Explanation of Fiscal Impact**

### **Introduced on January 29, 2026**

#### **State Expenditure**

This bill establishes the CCTM, which is responsible for developing coordinated transportation plans and policy for South Carolina, for approving the long-range Statewide Transportation Plan, and for reviewing and commenting on plans developed by the member agencies for the furtherance of coordinated transportation planning in the state. The CCTM will consist of the Secretary of Transportation, the Director of DPS, the Executive Director of DMV, the Secretary of Commerce, the Executive Director of ORS, the Director of DNR, the Director of DES, the Executive Director of the State Ports Authority, the Chairman of the Aeronautics Commission, the Chairman of the SCTIB, and one municipal and one county representative, both appointed by the Governor.

The bill reduces the number of members of the Commission of DOT, transfers certain responsibilities from the Commission to DOT, and designates the governing authority of DOT to the Secretary of Transportation, who will be appointed by the Governor. Additionally, the bill provides that the Secretary of Transportation is a member of the board of directors of the SCTIB. Further, the bill creates within DOT the position of Deputy Secretary for Planning, who is responsible for developing statewide strategic transportation plans, coordinating statewide plans with federal and state-funded regional and local transportation planning organization, and serving as staff to the newly created CCTM.

This bill updates DOT’s authority to designate turnpike facilities and impose tolls to allow dynamic tolling, scheduled tolling, variable tolling, uniform tolling, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned

usage, and any other factors deemed appropriate by the department. The designation of a turnpike facility is subject to the provisions of Section 57-3-615 and must be ratified or approved by SFAA. The Commission may request the issuance of turnpike bonds by SFAA. Principal and interest are payable solely out of the turnpike facility revenues. The bill also allows all executors, administrators, guardians, and other fiduciaries and all sinking fund commissions, including RSIC in its capacity as a co-trustee of the funds of the SC Retirement System, to invest any monies in turnpike bonds.

DOT may utilize turnpike facility revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any turnpike facility. DOT also may contract with any political subdivision desiring to assist the department with turnpike facilities. Revenues from these contracts may be included in turnpike facility revenues. It also allows DOT to enter into reciprocal agreements with other jurisdictions, including the federal government and any other state, to enforce toll violations.

The bill provides requirements for the selection of highway construction contracts and phased design-builds. Further, the bill permits DOT to enter into public-private partnership arrangements for planning, constructing, operating, and maintaining the roads, bridges, and other infrastructure under the jurisdiction of DOT. The determination of the type of contract to use for a given project must be reviewed by the Joint Bond Review Committee (JBRC), and DOT must update the JBRC annually on the status of all outstanding public-private partnership arrangements. DOT must also file a copy of public-private partnership contract documents with the Secretary of State, who must file and index the documents and is authorized to prepare and deliver certified copies of the documents as filed. For each certification, a reasonable fee may be charged. Lastly, SFAA may exempt from procurement code specific supplies, services, information technology, or construction.

DOT is required to publish a list of nonessential roads and may transfer ownership to counties, municipalities, and other entities. The list must be approved by the CCTM. To fund the transfer of nonessential roads to local governments, the bill creates the System Realignment Fund within DOT. The fund may receive monies from an appropriation or authorization of the General Assembly, and the Secretary of Transportation may transfer monies from the SHF.

This bill creates a felony for a member or employee of a county transportation committee who accepts, receives, or solicits money, contract or obligation, political appointment or influence, employment, or any other thing of value in exchange for influence. A person convicted of this felony must be imprisoned for not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this state. As this is a new offense, there are no data to determine the number of new cases that may be heard in circuit court. This bill may result in an increase in the number of circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense, the Commission on Prosecution Coordination, the Department of Corrections, and PPP. The potential increase in expenses for Judicial and each agency will depend upon the increase in the number of cases and number of incarcerations. Judicial and these agencies indicate that if this bill results in a significant increase in the workload, then an increase in

General Fund appropriations may be requested. For information, according to Corrections, in FY 2024-25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

**Department of Transportation.** This bill makes changes to the administration and operation of DOT, including governance restructuring, expanded planning and oversight requirements, authorization for tolling and project delivery methods, and the creation of new coordination and funding mechanisms. DOT indicates that requested public hearings for transportation projects, expanded audit and reporting responsibilities, the creation of the CCTM, and additional planning and oversight functions may result in minimal increases in expenditures. However, DOT expects to manage these expenditures with existing appropriations and staff.

This bill gives DOT the authority to collect tolls, impose administrative fees and penalties, and utilize electronic toll collection systems. Implementation of these responsibilities will require 2.0 FTEs related to procurement functions and 7.0 FTEs related to the management of public-private partnerships and other administrative and operational functions. Salary and fringe benefits for the FTEs will increase Other Funds expenditures by \$1,200,000 in FY 2026-27 and each year thereafter. Other major operating expenses related to the implementation of tolls include credit card transaction fees, call center contractual costs, InterAgency Group E-Z pass costs, and transponder issuance contractual costs. These expenses will increase Other Funds expenditures of DOT by at least \$50,000. DOT indicates that they can manage the expenses with existing appropriations and revenues generated by the bill. Please note that over time, the expenditures are expected to be offset or fully recouped through toll revenues, user fees, and project financing mechanisms, subject to project performance and traffic volumes.

**State Fiscal Accountability Authority.** This bill will have no fiscal impact on SFAA because the Authority will manage the provisions of the bill with existing staff and resources.

**Retirement System Investment Commission.** The duties in the bill related to RSIC will be performed in the normal course of business. Therefore, there is no fiscal impact to RSIC.

**Department of Public Safety.** This bill requires the Director of Public Safety to be a member of the CCTM. DPS will manage this responsibility with its existing appropriations. Therefore, there is no fiscal impact to DPS.

**Department of Motor Vehicles.** This bill requires the Executive Director of DMV to be a member of the CCTM. Additionally, the bill requires DMV to notify motor vehicle registrants of pending registration suspensions related to toll violations and to suspend vehicle registrations when such violations remain unpaid. DMV anticipates having to mail a high volume of notices of suspension related to toll violations. The agency indicates that it currently does not have the capacity to manage these duties with existing staff and resources. Therefore, the bill will increase recurring expenses of DMV by approximately \$154,000 beginning in FY 2026-27. Of this amount, \$136,000 is for 3.0 FTEs to manage the new responsibilities of the bill. The remaining \$18,000 is for annual mailing costs. The agency will request a General Fund appropriation increase for these expenses.

**Department of Commerce.** This bill requires the Secretary of Commerce to be a member of the CCTM. The Department of Commerce will manage this responsibility with its existing appropriations. Therefore, there is no fiscal impact to the Department of Commerce.

**Office of Regulatory Staff.** This bill requires the Executive Director of ORS to be a member of the CCTM. ORS anticipates that this responsibility will be managed with existing resources. However, if the Director's time served on the CCTM exceeds a de minimis amount, ORS may request an increase in Other Funds authorization to ensure utility ratepayers do not bear the costs.

**Department of Natural Resources.** This bill requires the Director of DNR to be a member of the CCTM. DNR will manage this responsibility with its existing appropriations. Therefore, there is no fiscal impact to DNR.

**Department of Environmental Services.** This bill requires the Director of DES to be a member of the CCTM. DES will manage this responsibility with its existing appropriations. Therefore, there is no fiscal impact to DES.

**South Carolina Ports Authority.** This bill requires the Chairman of the Ports Authority to be a member of the CCTM. The fiscal impact of the bill on the Ports Authority is pending, contingent upon a response from the agency.

**South Carolina Aeronautics Commission.** This bill requires the Chairman of the Aeronautics Commission to be a member of the CCTM. The fiscal impact of the bill on the Aeronautics Commission is pending, contingent upon a response from the agency.

**South Carolina Transportation Infrastructure Bank.** This bill requires the Chairman of the SCTIB to be a member of the CCTM and replaces the Chairman of the DOT Commission with DOT's Secretary of Transportation. SCTIB indicates that amending the SCTIB Board could fiscally impact SCTIB. However, the impact to SCTIB is undetermined since it is unclear as to how the bill will affect the SCTIB's operations.

**Governor's Office.** The duties in the bill related to the Governor's Office will be performed in the normal course of business. Therefore, there is no fiscal impact to the Governor's Office.

**Office of the State Auditor.** The bill expands who may be employed by the State Auditor as the chief internal auditor of DOT. Currently, the chief internal auditor of DOT must be a Certified Public Accountant. However, the bill expands the experience to include a Certified Internal Auditor or a Certified Fraud Examiner and specifies that the scope of internal audit services shall cover the entire department. This responsibility can be accomplished under the normal course of business for the office. Therefore, there is no fiscal impact to the Office of the State Auditor.

**The House of Representatives and the Senate.** This bill provides additional responsibilities of the JBRC, which consists of members of the House of Representatives and the Senate. These legislative bodies anticipate that any expenses due to the additional responsibilities can be

managed with existing appropriations. Therefore, there is no fiscal impact to the House or the Senate.

**Office of the Attorney General.** This bill requires the Attorney General to perform activities that will be conducted in the course of normal agency business. Therefore, there is no fiscal impact to the Office of the Attorney General.

**Revenue and Fiscal Affairs Office.** This bill requires RFA to calculate the inflation adjustment for the EV charging station fee, which can be accomplished with existing staff and resources. Therefore, there is no fiscal impact to RFA.

**Secretary of State's Office.** This bill requires DOT to file a copy of documents related to public-private partnerships with the Secretary of State's Office. The Secretary of State's Office must also prepare and send certified copies of the documents to interested parties. In order to manage the provisions of the bill, the Secretary of State's Office will need 1.0 FTE (Administrative Assistant), which will increase recurring expenditures by approximately \$69,000 including salary and fringe. Additionally, Other Funds expenditures are expected to increase by a range of \$102,000 to \$252,000 in FY 2026-27 for technology required for the development, storage, indexing, certifying, and securing of documents related to public-private partnership contracts. Further, the Secretary of State's Office notes that additional office space will be needed to accommodate the new FTE and equipment since the Office is currently at full capacity. However, the cost for the new space is unknown at this time. The bill specifies that the Secretary of State's Office may charge a fee for each certification of filed public-private partnership documents. While the revenue from this fee may offset some of the Office's costs, the Office expects that expenditures will exceed revenue. The Office will request both an increase in Other Funds authorization and a General Fund appropriation increase to cover the remaining expenses.

**State Ethics Commission.** This bill specifies that members or staff of a county transportation committee are subject to the provisions of the State Ethics Act. The State Ethics Commission will manage duties related to additional people being subject to the State Ethics Act with existing appropriations. Therefore, there is no fiscal impact to the State Ethics Commission.

## **State Revenue**

### Turnpike Facility Revenues

This bill permits the funds derived from toll roads to be used to pay the operation and maintenance costs of a toll project. As it is unknown how many roads DOT will designate as toll roads and how soon turnpike facilities would begin generating revenue, the revenue increase in Other Funds of DOT related to turnpike facilities is undetermined. DOT indicates that the department will use some of the revenue to offset the administration of turnpike facilities but anticipates that the revenue increase will exceed expenditures.

### Alternative Fuel Fees

The bill increases the biennial alternative fuel vehicle fees for motor vehicles that are powered exclusively by electricity, hydrogen, or any fuel other than motor fuel and for motor vehicles

who are powered by a combination of these and motor fuel subject to motor fuel user fees. The current biennial fees of \$120 and \$60, respectively, will be increased to \$400 and \$200, respectively, on July 1, 2027. Additionally, the owner of any motor vehicle not powered exclusively by motor fuel must pay an increased fee based on the gross weight of the registered vehicle. A motor vehicle with a declared gross weight of at least 11,001 pounds must have the fee increased by 10 percent. Further, for each gross vehicle weight range the motor vehicle exceeds the gross vehicle weight range set forth in Section 56-3-660(B)(9), the applicable alternative fuel fee must be increased by another 10 percent. Commercial motor vehicles powered by alternative fuels that participate in the International Registration Plan or International Fuel Tax Agreement are exempt from the fees. The bill specifies that the alternative fuel fees collected will be credited to the SHF. Currently, alternative fuel fees are credited to the IMTF.

DMV reports that as of January 2026, there are 30,916 registered vehicles that are powered exclusively by electricity, hydrogen, or any fuel other than motor fuel and 125,917 registered vehicles that are powered by a combination of these and motor fuel subject to motor fuel user fees. By multiplying the number of registered vehicles by the respective increases in alternative fuel fees, RFA estimates that the increase in alternative fuel vehicle fees will increase Other Funds revenue of DOT by \$26,285,000 biennially. This amount includes \$8,657,000 in increased fee revenue from fully alternative fuel vehicles and \$17,628,000 in increased fee revenue from hybrid alternative fuel vehicles. It is important to note that DMV registrations are collected biennially, and the timing of revenue streams will depend on when the vehicles in these categories are due for registration renewal.

In addition, vehicles powered in part or wholly by sources other than motor fuel weighing over 11,000 pounds are subject to additional increases based on gross vehicle weight. DMV reports that 43 registered vehicles are powered fully by sources other than motor fuel, and 52 registered vehicles are powered by a combination of motor fuel and sources other than motor fuel in the state. Based on their gross vehicle weights, RFA estimates that revenue for the SHF will increase by either \$58,000 biennially or \$1,420,000 biennially, depending on if the ten percent increase for each weight range is compounded or not.

In total, Other Funds revenue of DOT will increase by between \$26,343,000 biennially and \$27,705,000 biennially, depending on how the increases in the fee for vehicles over 11,000 pounds are implemented.

#### Electric Vehicle Charging User Fees

This bill imposes a user fee of 4.5 cents per kilowatt-hour (KWh) on electricity consumed when using publicly accessible EV charging stations. The entity that purchases the electricity from the electrical utility provider must remit the fee in accordance with the South Carolina Sales and Use Tax Act. Every four years, RFA must adjust the user fee in accordance with the average change in the CPI-U as published by the BLS of the United States Department of Labor from the most previous review to October first. RFA must report the new fee to DOR no later than October fifteenth of the appropriate year, and DOR must collect the revised fee amount beginning

January first of the next calendar year. User fee collections must be credited to the State Highway Fund.

Based on estimates of EV electric consumption and EV registrations in S.C. from 2018 through 2024 from the U.S. Bureau of Transportation Statistics, EV sales data in the state for 2024 from the Alliance for Automotive Innovation, and EV sales expectations by BloombergNEF for 2025 through 2030, RFA estimates that EVs registered in the state will utilize approximately 90,000 megawatt-hours (MWh) of electricity beginning in FY 2026-27.<sup>1,2,3</sup>

The International Energy Agency reports that approximately 83 percent of EV charging is done at a private home charging station, and therefore, RFA estimates that approximately 17 percent of charging is done outside of the home.<sup>4</sup> Furthermore, based on Alternative Fuel Station data for S.C. from the U.S. Department of Energy, which reports EV charging stations that are publicly available and those owned by businesses or government entities, RFA estimates that, other than home charging stations, approximately 89 percent of EV chargers are publicly available. In order to estimate S.C. resident EV energy consumption from chargers that are publicly available, 90,000 MWh is multiplied by 17.0 percent. The product is then multiplied by 89 percent, which yields approximately 14,000 MWh. Further, based on data from the U.S. Energy Information Administration on the estimated consumption of electricity by EVs and plug-in hybrids (PHEV), RFA estimates that on average, PHEVs use 40 percent of the electricity that EVs use.<sup>5</sup> Therefore, by multiplying 14,000 MWh by 40 percent, RFA estimates that S.C. resident PHEV electricity consumption from chargers that are publicly available will use approximately 5,490 MWh. In total, RFA estimates that approximately 19,000 MWh of electricity will be used by S.C. residents for EVs and PHEVs charging at publicly accessible charging stations. MWh were converted to KWh, which yields approximately 19,081,000 KWh of electricity consumption by S.C. residents for EV and PHEV charging at publicly available charging stations in FY 2026-27.

Furthermore, based on data reported in S.C. Parks, Recreation and Tourism's (PRT) Total Domestic Travel to South Carolina and In-State Leisure Travel to South Carolina reports, RFA estimates that approximately 10,640,000 domestic out-of-state visiting parties drive vehicles

<sup>1</sup> U.S. Bureau of Transportation Statistics, *Electric Vehicle Registrations and Consumption*, Retrieved January 20, 2026, <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/electric-vehicle-registrations>.

<sup>2</sup> Alliance for Automotive Innovation, *Electric Vehicle Sales Dashboard*, Retrieved January 20, 2026, <https://www.autosinnovate.org/EVDashboard>.

<sup>3</sup> BloombergNEF, *Electric Vehicle Outlook 2025*, pg. 3, Retrieved January 20, 2026, <https://assets.bbhub.io/professional/sites/24/202506-EVO2025-Executive-Summary.pdf>.

<sup>4</sup> International Energy Agency, *Trends in Electric Vehicle Charging*, Retrieved January 20, 2026, [https://www.iea.org/reports/global-ev-outlook-2024/trends-in-electric-vehicle-charging?utm\\_source=web&utm\\_medium=article&utm\\_campaign=did\\_you\\_know](https://www.iea.org/reports/global-ev-outlook-2024/trends-in-electric-vehicle-charging?utm_source=web&utm_medium=article&utm_campaign=did_you_know).

<sup>5</sup> U.S. Energy Information Administration, *Electric Power Monthly: Table D.1. U.S. Estimated Consumption by Light-Duty Electric Vehicles Types, 2018 – October 2025*, Retrieved January 20, 2026, [https://www.eia.gov/electricity/monthly/epm\\_table\\_grapher.php?t=table\\_d\\_1](https://www.eia.gov/electricity/monthly/epm_table_grapher.php?t=table_d_1).

while visiting the state.<sup>6,7</sup> Based on EV and PHEV registrations in the U.S. from 2018 through 2024, EV sales data in the U.S. for 2024, and EV sales expectations from 2025 through 2030, RFA estimates that approximately 2.7 percent of registered vehicles in the U.S. will be EVs or PHEVs in FY 2026-27.<sup>8,9,10</sup> Therefore, by multiplying 2.7 percent by 10,640,000, RFA estimates that approximately 285,000 out-of-state visiting parties will drive an EV or PHEV during their stay. PRT's Total Domestic Travel to South Carolina report indicates that on average visitors stay in the state for 3.3 nights, and therefore, RFA anticipates that each visiting party would be required to fully charge their EV on average at least twice during their stay.<sup>11</sup> Based on the average KWh used by PHEVs and small, medium, and large EVs, RFA estimates that on average, out-of-state visitors that drive EVs would consume approximately 124.5 KWh in S.C. per trip.<sup>12,13,14</sup> Thus, RFA estimates that out-of-state visitors would consume approximately 35,500,000 KWh at publicly available EV charging stations in FY 2026-27.

Adding 19,081,000 KWh used by in-state residents and 35,500,000 KWh used by out-of-state visitors yields approximately 54,581,000 KWh used at publicly available chargers in FY 2026-27. Multiplying the estimated total KWh used by \$0.045 equates to approximately \$2,456,000 in EV charging user fee revenue in FY 2026-27. Therefore, this bill will increase the State Highway Fund by approximately \$2,456,000 beginning in FY 2026-27 due to the new EV charging station user fees.

### System Realignment Fund

To fund the transfer of nonessential roads to local governments, the bill creates the System Realignment Fund within DOT. The fund may receive monies from an appropriation or authorization of the General Assembly, and the Secretary of Transportation may transfer monies from the SHF. As this is a new fund and funds are at the discretion of the General Assembly and the Secretary of Transportation, the impact on Other Funds revenue of DOT is undetermined.

<sup>6</sup> SCPRT, *Total Domestic Travel to South Carolina*, Retrieved January 1, 2026, <https://scprt.widen.net/content/0co6xmffcs/pdf/Total-Report-2021.pdf?u=sgt8lu>.

<sup>7</sup> SCPRT, *In-State Leisure Travel in South Carolina*, Retrieved January 1, 2026, <https://scprt.widen.net/content/ym35sv7si1/pdf/IS-Report-2021.pdf?u=sgt8lu>.

<sup>8</sup> U.S. Bureau of Transportation Statistics, *Electric Vehicle Registrations and Consumption*, Retrieved January 20, 2026, <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/electric-vehicle-registrations>.

<sup>9</sup> Alliance for Automotive Innovation, *Electric Vehicle Sales Dashboard*, Retrieved January 20, 2026, <https://www.autosinnovate.org/EVDashboard>.

<sup>10</sup> BloombergNEF, *Electric Vehicle Outlook 2025*, pg. 3, Retrieved January 20, 2026, <https://assets.bbhub.io/professional/sites/24/202506-EVO2025-Executive-Summary.pdf>.

<sup>11</sup> SCPRT, *Total Domestic Travel to South Carolina*, Retrieved January 1, 2026, <https://scprt.widen.net/content/0co6xmffcs/pdf/Total-Report-2021.pdf?u=sgt8lu>.

<sup>12</sup> The Battery Tips, *Hybrid Car Battery Size: Capacity, Performance, Differences, and Lifespan Explained*, Retrieved January 23, 2026, <https://thebatterytips.com/battery-specifications/how-big-is-a-hybrid-car-battery/>.

<sup>13</sup> ROAM, *Battery Sizes and Charging Times: What You Need to Know, Battery Sizes Explained*, Retrieved January 20, 2026, <https://www.roamcharging.com/help-and-advice/resources/battery-sizes-and-charging-times-what-you-need-to-know>.

<sup>14</sup> Edmunds, *How Much Electricity Does an Electric Car Use?*, Retrieved January 20, 2026, <https://www.edmunds.com/electric-car/articles/how-much-electricity-does-an-ev-use.html?msocid=218e569776ef649802bd400b77c465aa>.

### Secretary of State Certification Fee

This bill specifies that the Secretary of State's Office may charge a fee for each certification of filed public-private partnership documents. While the revenue from this fee may offset some of the Office's costs, the Office expects that expenditures will outweigh revenue.

### Court Fines and Fees

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to the General Fund and Other Funds revenue due to the change in fines and fees collections in court.

### **Local Expenditure**

This bill specifies that counties to which DOT has transferred all roads identified as nonessential are not required to expend 25 percent of its "C" Funds. In addition, the bill specifies that any costs incurred by DOT caused by an unreasonable delay in the review and approval of plans for a permanent improvement, construction, reconstruction, or alteration of a highway or highway facility within a municipality is the responsibility of the municipality.

RFA contacted all forty-six counties and MASC regarding the potential fiscal impact of the bill. Lancaster County expects that the expenses related to the maintenance of transferred roads will outweigh the amount of "C" Funds that the County can now expend on these roads. Similarly, MASC expressed concerns that municipalities may experience shortfalls in funds due to 1) the potential gap in available "C" Funds and actual costs associated with the maintenance of transferred roads and 2) increased legal costs associated with lawsuits arising from municipal road maintenance and ownership obligations. MASC indicates that the measures that would increase expenditures and decrease revenue may be greater than the increase in revenues from the permissive millage increases, which is discussed in the Local Revenue section of this fiscal impact statement. This would result in an undetermined net increase in expenditures for municipalities.

### **Local Revenue**

#### Millage Increase

Section 29 of this bill requires DOT to identify nonessential roads and may transfer ownership and maintenance responsibilities of these roads to the local government. The local government may impose additional millage to meet the funding requirements of maintaining these roads. The initial additional millage is not subject to the millage rate increase limitation pursuant to Section 6-1-320. For reference, as of tax year 2023 the value of mil by county ranges from \$32,080 to \$5,390,974.

The increase in local property tax due to the increase in millage is undetermined as the imposition of additional millage is permissive in nature and will depend upon what roads are transferred from DOT to local government for maintenance and the millage the local government chooses to impose.

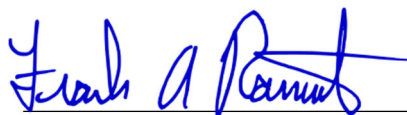
### Local Option Transportation Sales and Use Tax

This bill requires DOT to identify nonessential roads and allows for the transfer of ownership and maintenance responsibilities of these roads to the local government. In a county where DOT has transferred all nonessential roads, the county may impose a local option transportation sales and use tax of 2 percent. Currently, counties are authorized to impose a 1 percent local option transportation sales tax, subject to a referendum.

The increase in local option transportation sales tax collections due to the authorized 2 percent sales tax is undetermined as the imposition of the additional tax is permissive in nature and will depend upon what roads are transferred from DOT to local governments for maintenance and whether the tax is approved by referendum.

### Court Fines and Fees

This bill may result in a change in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to local revenue due to the change in fines and fees collections in court.



Frank A. Rainwater, Executive Director

**South Carolina General Assembly**  
126th Session, 2025-2026

**H. 5071**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson, Crawford, G.M. Smith, Willis, Kirby, Garvin, Hixon, Montgomery, Martin, Brewer, Teeple, Bradley, Gilliam, Robbins, Hiott, B. Newton, Rankin, Hager, Sessions, Hewitt, Landing, Bowers, Wooten, Whitmire, Guffey, Taylor, Hartz, Oremus, Forrest, Guest, Vaughan, Davis, J.E.

Johnson, Bannister, W. Newton, Pope, Jordan, Haddon, Herbkersman, Brittain, M.M. Smith, Ligon,

Gagnon, McGinnis, C. Mitchell, Moss, Pedalino, Stavrinakis and Chapman

Companion/Similar bill(s): 5362

Document Path: LC-0398DG26.docx

Introduced in the House on January 29, 2026

Currently residing in the House

Summary: Department of Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/29/2026	House	Introduced and read first time (House Journal-page 32)
1/29/2026	House	Referred to Committee on <b>Ways and Means</b> (House Journal-page 32)
2/10/2026	House	Member(s) request name added as sponsor: Chapman

View the latest [legislative information](#) at the website

**VERSIONS OF THIS BILL**

01/29/2026

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## A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-1-410,  
12 RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO  
13 PROVIDE THAT THE GOVERNOR SHALL APPOINT THE SECRETARY INSTEAD OF THE  
14 COMMISSION OF THE DEPARTMENT OF TRANSPORTATION; BY AMENDING SECTION  
15 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR  
16 GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF  
17 THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A  
18 SEVEN-MEMBER COMMISSION; BY AMENDING SECTION 1-30-105, RELATING TO THE  
19 ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT  
20 THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE  
21 SECRETARY OF TRANSPORTATION; BY AMENDING SECTION 11-43-140, RELATING TO  
22 THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS  
23 TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION  
24 AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A  
25 MEMBER OF THE BOARD; BY AMENDING SECTIONS 57-1-10, 57-1-40, 57-1-370, AND  
26 57-1-430, ALL RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF  
27 TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE  
28 DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO  
29 ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND  
30 REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE GENERAL  
31 ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN  
32 WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL  
33 APPROPRIATIONS ACT; BY AMENDING SECTION 57-3-50, RELATING TO THE  
34 ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM  
35 "DEPARTMENT" FOR THE TERM "COMMISSION"; BY AMENDING SECTION 57-1-90,  
36 RELATING TO MOTORCYCLES, SO AS TO MAKE A CONFORMING CHANGE; BY  
37 AMENDING SECTION 57-3-210, RELATING TO THE DEPARTMENT OF TRANSPORTATION  
38 CONTRACTING WITH PUBLIC TRANSIT SYSTEMS, SO AS TO MAKE A CONFORMING  
39 CHANGE; BY AMENDING SECTION 57-3-700, RELATING TO THE DEPARTMENT OF  
40 TRANSPORTATION SERVING AS AN AGENT FOR COUNTIES, SO AS TO MAKE A  
41 CONFORMING CHANGE; BY AMENDING SECTION 57-5-50, RELATING TO THE TRANSFER  
42 OF CERTAIN ROADS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING  
43 SECTION 57-5-90, RELATING TO BELT LINES AND SPURS, SO AS TO MAKE A  
44 CONFORMING CHANGE; BY AMENDING SECTION 57-5-340, RELATING TO THE  
45 DISPOSITION OF REAL ESTATE, SO AS TO MAKE A CONFORMING CHANGE; BY  
46 AMENDING SECTIONS 57-13-10, 57-13-20, 57-13-40, AND 57-13-50, ALL RELATING TO  
47 BRIDGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-25-120,  
48 RELATING TO DEFINITIONS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING  
49 SECTIONS 57-25-140, 57-25-150, 57-25-170, 57-25-200, AND 57-25-210, ALL RELATING TO  
50 SIGNS ALONG THE HIGHWAYS, SO AS TO MAKE A CONFORMING CHANGE; BY  
51 AMENDING SECTIONS 57-1-310 AND 57-1-330, BOTH RELATING TO THE COMPOSITION OF  
52 THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO REMOVE  
53 AT-LARGE MEMBERS; BY AMENDING ARTICLE 9, CHAPTER 5, TITLE 57, RELATING TO

1 TURNPIKE PROJECTS, SO AS TO AUTHORIZE CERTAIN DESIGNATIONS OF TURNPIKE  
2 FACILITIES, TO PROVIDE THAT TURNPIKE BONDS ARE SPECIAL LIMITED OBLIGATIONS  
3 OF THE STATE AS SPECIFIED IN THE BOND RESOLUTION, AND TO MAKE CONFORMING  
4 CHANGES; BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH THE COORDINATING  
5 COUNCIL FOR TRANSPORTATION AND MOBILITY AND TO SET FORTH ITS DUTIES AND  
6 MEMBERSHIP; BY ADDING SECTION 57-5-105 SO AS TO REQUIRE THE DEPARTMENT OF  
7 TRANSPORTATION TO TRANSFER OWNERSHIP OF CERTAIN NONESSENTIAL ROADS, TO  
8 ESTABLISH THE SYSTEM REALIGNMENT FUND TO AID IN THE TRANSFER, AND TO  
9 PROVIDE ADDITIONAL AUTHORITIES TO COUNTIES IN WHICH ALL SUCH  
10 NONESSENTIAL ROADS HAVE BEEN TRANSFERRED; BY AMENDING SECTION 57-1-360,  
11 RELATING TO THE CHIEF INTERNAL AUDITOR OF THE DEPARTMENT OF  
12 TRANSPORTATION, SO AS TO AUTHORIZE A CERTIFIED INTERNAL AUDITOR AND A  
13 CERTIFIED FRAUD EXAMINER TO HOLD THE POSITION; BY AMENDING SECTION 57-3-20,  
14 RELATING TO THE DIVISION DEPUTY DIRECTORS OF THE DEPARTMENT OF  
15 TRANSPORTATION, SO AS TO DESIGNATE SUCH OFFICIALS AS DEPUTY SECRETARIES  
16 AND TO ESTABLISH THE DEPUTY SECRETARY FOR PLANNING; BY AMENDING SECTION  
17 11-35-710, RELATING TO CERTAIN TRANSPORTATION EXEMPTIONS TO THE  
18 PROCUREMENT CODE, SO AS TO FURTHER DEFINE THE EXEMPTIONS; BY ADDING  
19 SECTIONS 57-5-1710 AND 57-5-1720 SO AS TO PROVIDE FOR PHASED DESIGN-BUILD  
20 CONTRACTORS AND CONSTRUCTION MANAGER/GENERAL CONTRACTORS; BY  
21 ADDING SECTION 57-3-790 SO AS TO SPECIFY THE CONDITIONS IN WHICH THE STATE  
22 WAIVES ITS IMMUNITY UNDER THE ELEVENTH AMENDMENT OF THE UNITED STATES  
23 CONSTITUTION; BY AMENDING SECTIONS 57-5-820 AND 57-5-830, BOTH RELATING TO  
24 MUNICIPALITIES AND ROADWORK, SO AS TO SPECIFY PROCEDURES WHEN A  
25 MUNICIPALITY OBJECTS TO CERTAIN ROADWORK; BY AMENDING SECTION 57-3-615,  
26 RELATING TO HIGHWAY TOLLS, SO AS TO SPECIFY THE CONDITIONS UNDER WHICH A  
27 TOLL MAY BE IMPOSED ON A STATE HIGHWAY; BY ADDING SECTIONS 57-3-240 AND  
28 57-3-250 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO  
29 RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND PUBLIC-PRIVATE  
30 PARTNERSHIPS, AND TO SPECIFY CONDITIONS OF SUCH AGREEMENTS; BY AMENDING  
31 SECTION 12-28-2740, RELATING TO "C" FUNDS, SO AS TO INCREASE THE AMOUNT OF  
32 SUCH FUNDS, TO SPECIFY THE MEMBERSHIP AND RESPONSIBILITIES OF COUNTY  
33 TRANSPORTATION COMMITTEES, TO PROVIDE FOR BONDING OF "C" FUNDS, TO  
34 DELETE PROVISIONS, AND TO PROVIDE FOR A CRIME REGARDING UNDUE INFLUENCE  
35 ON CERTAIN OFFICIALS; BY AMENDING SECTION 12-28-2920, RELATING TO TOLLS, SO  
36 AS TO SPECIFY WHEN TOLL REVENUES MAY BE EXPENDED; BY AMENDING SECTION  
37 56-3-645, RELATING TO A ROAD USE FEE, SO AS TO INCREASE THE AMOUNT OF THE  
38 ALTERNATE FUEL FEE AND CREDIT THE REVENUE TO THE STATE HIGHWAY FUND; BY  
39 ADDING SECTION 12-28-360 SO AS TO IMPOSE A TAX ON ELECTRICITY CONSUMED  
40 WHEN USING CERTAIN PUBLIC VEHICLE CHARGING STATIONS; AND BY AMENDING  
41 SECTION 57-11-210, RELATING TO DEFINITIONS FOR PURPOSES OF STATE HIGHWAY  
42 BONDS, SO AS TO DEFINE "ALTERNATIVE FUEL FEES".

43  
44 Be it enacted by the General Assembly of the State of South Carolina:

45  
46 SECTION 1. Section 57-1-410 of the S.C. Code is amended to read:

47  
48 Section 57-1-410. The ~~commission~~Governor shall appoint, with the advice and consent of the  
49 Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~commission~~Governor. A  
50 person appointed to this position shall possess practical and successful business and executive ability

1 and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such  
2 compensation as may be established under the provisions of Section 8-11-160 and for which funds have  
3 been authorized in the general appropriations act.

4  
5 SECTION 2. Section 1-30-10(B)(1)(iv) of the S.C. Code is amended to read:

6  
7 (iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a~~  
8 ~~manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of  
9 the Governor.

10  
11 SECTION 3. Section 1-30-105 of the S.C. Code is amended to read:

12  
13 Section 1-30-105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions,  
14 including all of the allied, advisory, affiliated, or related entities as well as the employees, funds,  
15 property, and all contractual rights and obligations associated with any such agency, except for those  
16 subdivisions specifically included under another department, are hereby transferred to and incorporated  
17 in and shall be administered as part of the Department of Transportation to be initially divided into  
18 divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and  
19 Administration; however, the State Highway Commission as constituted on June 30, 1993, under the  
20 provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or  
21 as soon as its successors are elected or appointed and qualified, whichever is later.

22 Department of Highways and Public Transportation, except the Motor Vehicle Division, which was  
23 established as the Department of Motor Vehicles by Section 56-1-5, and the State Highway Patrol,  
24 formerly provided for at Section 56-1-10, et seq.

25 (B) Notwithstanding another provision of law, effective July 1, 2027, the governing authority of the  
26 Department of Transportation is the Secretary of Transportation pursuant to Section 57-1-410.

27  
28 SECTION 4. Section 11-43-140 of the S.C. Code is amended to read:

29  
30 Section 11-43-140. The board of directors is the governing board of the bank. The board consists of  
31 seven voting directors as follows: the ~~Chairman~~ Secretary of the Department of Transportation  
32 ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one  
33 director appointed by the Governor; one director appointed by the Speaker of the House of  
34 Representatives; one member of the House of Representatives appointed by the Speaker, ex officio;  
35 one director appointed by the President of the Senate; and one member of the Senate appointed by the  
36 President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and

1 the President of the Senate shall serve terms coterminous with those of their appointing authority. The  
2 terms for the legislative members are coterminous with their terms of office. The vice chairman must  
3 be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner  
4 as the original appointee for the remainder of the unexpired term.

5  
6 SECTION 5. Section 57-1-10 of the S.C. Code is amended to read:

7  
8 Section 57-1-10. For the purposes of this title, the following words, phrases, and terms are defined  
9 as follows:

10 (1) "Commission" means the administrative and governing authority of the Department of  
11 Transportation.

12 (2) "Coordinating Council" means the Coordinating Council for Transportation and Mobility.

13 ~~(2)(3)~~ "Department" means the Department of Transportation (DOT).

14 ~~(3)(4)~~ "Secretary of Transportation" means the Chief Administrative Officer of the Department of  
15 Transportation.

16  
17 SECTION 6. Section 57-1-40 of the S.C. Code is amended to read:

18  
19 Section 57-1-40. (A) It is unlawful for ~~a member of the commission or~~ an official, an engineer, agent,  
20 or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept,  
21 receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his  
22 decision or action on any question, matter, cause, or proceeding which at the time may be pending or  
23 which by law may be brought before him in his official capacity or in his place of trust or profit  
24 influenced, any:

25 (1) money;

26 (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or  
27 for the delivery or conveyance of anything of value;

28 (3) political appointment or influence, present, or reward;

29 (4) employment; or

30 (5) other thing of value.

31 A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must  
32 be imprisoned not more than five years and is disqualified forever from holding any office of trust or  
33 profit under the Constitution or laws of this State.

34 (B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised,  
35 offered, or given, either directly or indirectly, to ~~a member of the commission or~~ an official, an engineer,  
36 agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to

1 have his decision or action on any question, matter, cause, or proceeding which at the time may be  
2 pending or which by law may be brought before him in his official capacity or in his place of trust or  
3 profit influenced, any:

4 (1) money;

5 (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or  
6 for the delivery or conveyance of anything of value;

7 (3) political appointment or influence, present, or reward;

8 (4) employment; or

9 (5) other thing of value.

10 A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must  
11 be imprisoned not more than five years and is disqualified forever from holding any office of trust or  
12 profit under the Constitution or laws of this State.

13 (C) ~~The members and employees of the commission and employees~~ Any official or employee of the  
14 department are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions  
15 of Chapter 78, Title 15, the South Carolina Tort Claims Act.

16  
17 SECTION 7. Section 57-1-370 of the S.C. Code is amended to read:

18  
19 Section 57-1-370. (A) The ~~commission~~ department must develop the long-range Statewide  
20 Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides  
21 for the development and implementation of the multimodal transportation system for the State. The  
22 plan must be developed in a manner consistent with all federal laws or regulations and in consultation  
23 with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan  
24 planning organization area local officials. The plan may be revised from time to time as permitted by  
25 and in the manner required by federal laws or regulations.

26 (B) Concerning the development, content, and implementation of the Statewide Transportation  
27 Improvement Program, the ~~commission~~ department must:

28 (1) develop a process for consulting with nonmetropolitan local officials, with responsibility for  
29 transportation, that provides an opportunity for their participation in the development of the long-range  
30 Statewide Transportation Plan and the Statewide Transportation Improvement Program;

31 (2) approve the Statewide Transportation Improvement Program and ensure that it is developed  
32 pursuant to federal laws and regulations and approve an updated Statewide Transportation  
33 Improvement Program from time to time as permitted by and in the manner required by federal laws  
34 or regulations;

35 (3) develop and revise the transportation plan for inclusion in the Statewide Transportation  
36 Improvement Program, for each nonmetropolitan planning area in consultation with local officials with

1 responsibility for transportation;

2 (4) work in consultation with each metropolitan planning organization to develop and revise a  
3 transportation improvement program for each metropolitan planning area;

4 (5) select from the approved Statewide Transportation Improvement Program the transportation  
5 projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local  
6 officials with responsibility for transportation;

7 (6) select projects to be undertaken, in consultation with each metropolitan planning organization,  
8 from the metropolitan planning organization's approved transportation improvement plan in  
9 metropolitan areas not designated as a transportation management area;

10 (7) consult with each metropolitan planning organization, in metropolitan areas designated as  
11 transportation management areas, concerning the projects selected to be undertaken from the approved  
12 transportation improvement program and in accordance with the priorities approved by the  
13 transportation improvement program; and

14 (8) when selecting projects to be undertaken from nontransportation management area  
15 metropolitan planning organizations' transportation improvement programs, or selecting the  
16 nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation  
17 Improvement Program, and when consulting with metropolitan planning organizations designated as  
18 transportation management areas, the commission shall establish a priority list of projects to the extent  
19 permitted by federal laws or regulations, taking into consideration at least the following criteria:

20 (a) financial viability including a life cycle analysis of estimated maintenance and repair costs  
21 over the expected life of the project;

22 (b) public safety;

23 (c) potential for economic development;

24 (d) traffic volume and congestion;

25 (e) truck traffic;

26 (f) the pavement quality index;

27 (g) environmental impact;

28 (h) alternative transportation solutions; and

29 (i) consistency with local land use plans.

30 ~~—(C)(1) To the extent that state funds are available to address the needs of the state highway system,~~  
31 ~~the commission must develop a comprehensive plan specifying objectives and performance measures~~  
32 ~~for the preservation and improvement of the existing system. The projects included in this plan must~~  
33 ~~be supported solely by state funds including the Non-Federal Aid Highway Fund or other state revenue~~  
34 ~~source. When developing the plan required by this subsection, the commission must consider, but is~~  
35 ~~not limited to, considering the criteria in subsection (B)(8).~~

36 ~~—(2)(C) When state funding is programmed for a project selected from the plan to be undertaken,~~

1 the department may use federal law, regulations, or guidelines relevant to the type of project being  
2 undertaken to be eligible for federal matching funds.

3 ~~—(D) The commission must approve the department's annual budget.~~

4 ~~(E)(D)~~ The commission shall have any other rights, duties, obligations, or responsibilities as  
5 specifically provided by law.

6 (E) The department shall conduct a public hearing when required by federal regulations to allow the  
7 department to share information regarding the project with the local community and to allow the local  
8 community to address its concerns with department officials. The hearing must include the opportunity  
9 for members of the public to address a hearing officer in a format in which comments can be heard by  
10 the general public.

11 (F) The department shall promulgate, by regulation, procedures not inconsistent with federal laws  
12 for applying the criteria contained in subsection (B)(8) for prioritizing projects.

13  
14 SECTION 8. Section 57-1-430(A) of the S.C. Code is amended to read:

15  
16 (A) The secretary is charged with the affirmative duty to establish and carry out the policies of the  
17 ~~commission~~department, to administer the day-to-day affairs of the department, to direct the  
18 implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit  
19 Plan, and to ensure the timely completion of all projects undertaken by the department, and routine  
20 operation and maintenance requests, and emergency repairs. ~~He~~The secretary must represent the  
21 department in its dealings with other state agencies, local governments, special districts, and the federal  
22 government. The secretary must prepare an annual budget for the department ~~that must be approved by~~  
23 ~~the commission before becoming effective.~~

24  
25 SECTION 9. Section 57-3-50 of the S.C. Code is amended to read:

26  
27 Section 57-3-50. The ~~commission~~department may establish such highway districts as in its opinion  
28 ~~shall be~~are necessary for the proper and efficient performance of its duties. The ~~commission~~department,  
29 every ten years, must review the number of highway districts and the territory embraced within the  
30 districts and make ~~such~~ changes ~~as~~that may be necessary for the proper and efficient operation of the  
31 districts.

32  
33 SECTION 10. Section 57-1-90(A) of the S.C. Code is amended to read:

34  
35 (A) In formulating transportation policy, promulgating regulations, allocating funds, and planning,  
36 designing, constructing, equipping, operating and maintaining transportation facilities, no action of the

1 ~~South Carolina Transportation Commission~~secretary, or the South Carolina Department of  
2 Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or  
3 motorcycle passengers. No regulation or action of the ~~commission~~secretary, or department shall have  
4 the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or  
5 motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and  
6 motorcyclists to any highway, bridge, tunnel, or other transportation facility.

7  
8 SECTION 11. Section 57-3-210(A) of the S.C. Code is amended to read:

9  
10 (A) The department is authorized to utilize public transit funds to contract directly with private  
11 operators of public transit systems to provide service to the general public, provided that the private  
12 operators have established a plan of service that has been approved by the local governmental entity  
13 that has jurisdiction over the area to be served, the department, ~~the commission~~, and the federal  
14 government.

15  
16 SECTION 12. Section 57-3-700 of the S.C. Code is amended to read:

17  
18 Section 57-3-700. With the approval of the ~~commission~~Secretary of Transportation, the county  
19 officials may designate the department, acting through its agents and employees, as agents of the county  
20 in securing necessary ~~rights of way~~rights of way and other lands.

21  
22 SECTION 13. Section 57-5-50 of the S.C. Code is amended to read:

23  
24 Section 57-5-50. The ~~commission~~Secretary of Transportation may transfer any route or section of  
25 route from the state highway secondary system to the state highway primary system, or vice versa,  
26 when, in ~~its~~the secretary's judgment, such transfer is advisable to better serve the traveling public.

27  
28 SECTION 14. Section 57-5-90 of the S.C. Code is amended to read:

29  
30 Section 57-5-90. The ~~commission~~department may establish such belt lines or spurs as it deems  
31 proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for  
32 the construction and maintenance of the state highway system, but the total length of such belt lines  
33 and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal  
34 year; provided, that should the ~~commission~~department fail to establish belt lines or spurs during a fiscal  
35 year the allocation to the counties shall be continued from year to year and the mileage shall be  
36 cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this

1 section shall remain to the credit of the county to which it accumulated.

2  
3 SECTION 15. Section 57-5-340 of the S.C. Code is amended to read:

4  
5 Section 57-5-340. The department shall continuously inventory all of its real property. When, in the  
6 judgment of the department any real estate acquired as provided in this chapter is no longer necessary  
7 for the proper operation of the department or highway systems, the department shall vigorously attempt  
8 to sell the property by advertising for competitive bids in local newspapers or by direct negotiations,  
9 but in every case of the sale or transfer of any real estate by the ~~commission or the~~ department, the sale  
10 or transfer shall be made public by publishing notice of it ~~in the minutes of the next succeeding meeting~~  
11 ~~of the commission~~ on the website maintained by the department. The ~~commission and the~~ department  
12 shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy  
13 Director of the Division of Finance and Administration, any real estate disposed of under this section.  
14 Any funds derived from the sale of surplus property by authority of this section shall be credited to the  
15 funding category from which funds were drawn to finance the department's acquisition of the property.  
16 However, any funds derived from the sale of ~~right-of-way~~ right of way, which the department has  
17 purchased, in excess of the department's cost shall be distributed among the counties as ~~€~~ "C" funds  
18 pursuant to Section 12-28-2740.

19  
20 SECTION 16. Sections 57-13-10 through 57-13-20 of the S.C. Code are amended to read:

21  
22 Section 57-13-10. The ~~commission~~ Secretary of Transportation may cooperate and negotiate with  
23 the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of  
24 bridges constructed or to be constructed across streams which constitute boundaries between this State  
25 and such adjoining states and may expend for such purposes not exceeding one half of the total cost of  
26 such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such  
27 expenditures to be made from the funds available for the construction and maintenance of highways  
28 and bridges in the state highway system.

29  
30 Section 57-13-20. Any county may, with the approval of the ~~Commission~~ department, provide the  
31 funds necessary for participation in the construction, purchase or acquisition of any such bridge as is  
32 described in Section 57-13-10 and shall be entitled to reimbursement therefor under the provisions of  
33 Article 1, ~~of Chapter 11 of this Title~~.

34  
35 SECTION 17. Sections 57-13-40 through 57-13-50 of the S.C. Code are amended to read:

1 Section 57-13-40. The ~~commission~~department may permit any person, county or municipality, or  
2 any combination thereof, to construct toll bridges and appertaining structures suitable for highway  
3 traffic on any roads of the state highway system. But before any such permit is issued an agreement  
4 satisfactory to the Department of Transportation must be executed by the person receiving such permit  
5 fixing conditions under which the bridge is to be constructed, the character and design of the structure,  
6 the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the  
7 State or counties concerned.

8  
9 Section 57-13-50. ~~No~~A permit shall~~may not~~ be issued by the ~~Commission~~department under the  
10 authority of Section 57-13-40 except after advertisement of all the terms and conditions affecting such  
11 permit in at least five daily newspapers of this State and after the county legislative delegation of every  
12 county directly adjacent to the bridge has been given formal notice, describing such terms and  
13 conditions, and has approved such terms and conditions.

14  
15 SECTION 18. Section 57-25-120(4)(d) of the S.C. Code is amended to read:

16  
17 (d) land on the opposite side of a nonfreeway primary highway which is designated scenic by the  
18 ~~commission~~department.

19  
20 SECTION 19. Section 57-25-140(D)(4) and (J) of the S.C. Code is amended to read:

21  
22 (4) scenic areas designated by the ~~commission~~department or other state agency having and  
23 exercising that authority.

24  
25 (J) Signs permitted under ~~items (1), (2), (3), and (4) of subsection (A)(1), (2), (3), and (4)~~ must  
26 comply with the regulations promulgated by the ~~commission~~department in accordance with uniform  
27 national standards.

28  
29 SECTION 20. Section 57-25-150(A) and (D) of the S.C. Code is amended to read:

30  
31 (A) The ~~commission~~department shall issue permits for the erection and maintenance of outdoor  
32 advertising signs coming within the exceptions contained in ~~items (1), (2), and (3) of subsection (A) of~~  
33 Section 57-25-140(A)(1), (2), and (3), consistent with the safety and welfare of the traveling public  
34 necessary to carry out the policy of the State declared in this article and consistent with the national  
35 standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant  
36 to ~~Title 23, United States Code~~U.S.C. Title 23.

1 The ~~commission~~department also shall promulgate regulations governing the issuance of the permits  
2 and standards for size, spacing, and lighting of the signs and their messages.

3  
4 (D) The ~~commission~~department shall promulgate regulations governing the issuance of permits  
5 which must include mandatory maintenance to ensure that all signs are always in a good state of repair.  
6 Signs not in a good state of repair are illegal.

7  
8 SECTION 21. Section 57-25-170 of the S.C. Code is amended to read:

9  
10 Section 57-25-170. The ~~commission~~department may provide within the ~~right-of-way~~right of way  
11 for areas at appropriate distances from interchanges on the interstate system and controlled access roads  
12 on the federal-aid primary system on which signs, displays, and devices giving specific information in  
13 the interest of the traveling public may be erected and maintained under standards and regulations  
14 authorized to be adopted and promulgated by the ~~commission~~department. The standards and  
15 regulations may provide for cooperative agreements between the Department of Transportation and  
16 private interests for the use and display of names for FOOD, LODGING, and GAS information signs  
17 on the highway ~~right-of-way~~right of way.

18  
19 SECTION 22. Section 57-25-200(A) of the S.C. Code is amended to read:

20  
21 (A) Within the requirements of this article the ~~commission~~Secretary of Transportation may enter into  
22 agreements with other governmental authorities relating to the control of outdoor advertising in areas  
23 adjacent to the interstate and primary highway systems, including the establishment of information  
24 centers and safety rest areas and take action in the name of the State to comply with the terms of the  
25 agreements.

26  
27 SECTION 23. Section 57-25-210 of the S.C. Code is amended to read:

28  
29 Section 57-25-210. The ~~commission~~department is not required to expend funds for the removal of  
30 outdoor advertising under this article until federal funds are made available to the State for the purpose  
31 of carrying out the provisions of this article and the ~~commission has entered into an agreement with the~~  
32 ~~Secretary of Transportation as authorized by Section 57-25-200~~department and as provided by the  
33 Highway Beautification Act of 1965.

34  
35 SECTION 24. Section 57-1-310(A) and (B) of the S.C. Code is amended to read:

1 (A) The congressional districts of this State are constituted and created Department of Transportation  
2 Districts of the State, designated by numbers corresponding to the numbers of the respective  
3 congressional districts. The Commission of the Department of Transportation shall be composed of:  
4 —(1) one member from each transportation district, all appointed by the Governor, subject to the  
5 provisions of Section 57-1-325; ~~and~~  
6 —(2) ~~two members from the State at large, both appointed by the Governor, upon the advice and~~  
7 ~~consent of the General Assembly. Each house must hold a separate confirmation vote.~~

8 In making appointments to the commission, the Governor shall take into account race, gender, and  
9 other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest  
10 extent possible, all segments of the population of the State; however, consideration of these factors in  
11 making an appointment in no way creates a cause of action or basis for an employee grievance for a  
12 person appointed or for a person who fails to be appointed. The members of the commission shall  
13 represent the transportation needs of the State as a whole and may not subordinate the needs of the  
14 State to those of any particular area of the State.

15 (B) ~~The at large appointments made by the Governor must be transmitted to the Senate and the House~~  
16 ~~of Representatives for confirmation~~Reserved.

17  
18 SECTION 25. Section 57-1-330 of the S.C. Code is amended to read:

19  
20 Section 57-1-330. (A) All commission members are appointed to a term of office of four years  
21 which expires on February fifteenth of the appropriate year. However, a commission member may not  
22 serve more than two consecutive terms, and may not serve more than twelve years, regardless of when  
23 the term was served. Commissioners shall continue to serve until their successors are appointed and  
24 confirmed, provided that a commissioner only may serve in a hold-over capacity for a period not to  
25 exceed six months. Any vacancy occurring in the office of commissioner shall be filled by appointment  
26 in the manner provided in this article for the unexpired term only. ~~Except for the at large member, a~~  
27 ~~person is not eligible to serve as a commission member who is not a resident of that district at the time~~  
28 ~~of his appointment. Failure by such commission member to maintain residency in the district for which~~  
29 ~~he is appointed shall result in the forfeiture of his office.~~

30 (B) ~~An at large commission member may be appointed from any county in the State unless another~~  
31 ~~commission member is serving from that county. Failure by an at large commission member to~~  
32 ~~maintain residence in the State shall result in a forfeiture of his office.~~Commission members may be  
33 removed from office at the discretion of the Governor.

34  
35 SECTION 26. Notwithstanding the general effective date of this act, at-large members of the  
36 Commission of the Department of Transportation serving on the effective date of this act, shall continue

1 to serve until their terms expire. If a vacancy occurs, another at-large member must be appointed to fill  
2 the unexpired term in the manner provided by law.

3  
4 SECTION 27. Article 9, Chapter 5, Title 57 of the S.C. Code is amended to read:

5  
6 Article 9

7  
8 Turnpike Projects

9  
10 Section 57-5-1310. This article is intended to provide an additional and an alternative method for the  
11 provision of and financing of highways and appurtenant facilities to the end that such highways may  
12 be undertaken in such manner as may best be calculated to expedite relief of hazardous and congested  
13 traffic conditions on the highways in the State and provide acceptable avenues for commerce and  
14 intercommunications by vehicular traffic among the several sections of the State. In effecting this  
15 enactment, the General Assembly intends that the indebtedness herein authorized fall within the  
16 category permitted by paragraph 9~~2~~ of Section 13~~2~~ of Article X of the Constitution of South Carolina.

17  
18 Section 57-5-1320. Unless the context indicates another meaning or intent:

19 (1) "Department" means the Department of Transportation;

20 (2) "Turnpike facility" means any express highway or limited access highway ~~constructed, or any~~  
21 specified lanes or portion thereof, designated and ratified or approved as such under the provisions of  
22 this article ~~by the department~~, whether or not financed with turnpike bonds, including any bridge,  
23 tunnel, overpass, underpass, interchange, entrance plaza, approach, toll house, service station and  
24 administration and storage and other buildings and facilities which the department considers necessary  
25 or desirable. A turnpike facility constitutes a portion or extension of any existing or proposed highway  
26 in the state highway system;

27 (3) "Bonds or turnpike bonds" means revenue bonds of the State authorized under the provisions of  
28 this article and Paragraph (9), Section 13, Article X of the South Carolina Constitution;

29 (4) "Authority" means the State Fiscal Accountability Authority;

30 (5) "Turnpike facility revenues" means all revenues resulting from tolls or other charges derived  
31 from the operation of a turnpike facility, including revenues derived from concession leases or other  
32 concessionaire operated facilities and, to the extent designated by the bond resolution, such nontax  
33 revenues or other legally available funds as are or may be made available to the department from  
34 whatever source for the purpose of operating, financing, enforcing, and maintaining, or any  
35 combination thereof, turnpike facilities;

36 (6) "Bond resolution" means the resolution or resolutions of the ~~state board~~ authority making

1 provision for the issuance of turnpike revenue bonds, as may be supplemented or amended from time  
2 to time;

3 (7) “General obligation bonds” means state highway bonds issued pursuant to Paragraph (6)(a),  
4 Section 13, Article X of the South Carolina Constitution.

5 (8) “State” means State of South Carolina.

6  
7 Section 57-5-1330. ~~1.~~(1) The department may designate, establish, plan, improve, construct,  
8 maintain, operate, and regulate turnpike facilities as a part of the state highway system or any federal  
9 aid system whenever the department determines the traffic conditions, present or future, justify the  
10 facilities, except that the department may not designate as a turnpike facility any highway, road, bridge,  
11 or other transportation facility funded in whole or in part by a then imposed local option sales and use  
12 tax ~~as provided in~~ imposed pursuant to Chapter 37 of Title 4 unless by agreement with the applicable  
13 county government. The department may utilize turnpike facility revenues and funds available for the  
14 maintenance of the state highway system for the maintenance and operation of any turnpike facility  
15 ~~financed pursuant to this article~~. The authority to designate turnpike facilities pursuant to this section  
16 is subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified  
17 or approved by the authority.

18 ~~2.~~(2) ~~In every highway construction project, except federal and state secondary projects,~~  
19 ~~rehabilitation and widening of federal and state primary and secondary road and bridge projects and~~  
20 ~~highway safety projects, the Department shall consider making all or part of the highway construction~~  
21 ~~a turnpike facility and financing it by the use of turnpike bonds. It shall make an entry in the~~  
22 ~~construction project file indicating whether or not it determines making all or part of the project a~~  
23 ~~turnpike facility.~~ If the ~~Department~~department determines it is feasible to make all or part of ~~the any~~  
24 construction project a turnpike facility, it may engage in the preliminary estimates and studies incident  
25 to the determination of the feasibility or practicability of constructing any toll road as it from time to  
26 time considers necessary and the cost of the preliminary estimates and studies must be paid from the  
27 general highway fund and must be reimbursed from funds provided under this authority only if the  
28 studies and estimates lead to the construction of a toll road.

29 ~~3.~~(3) The ~~Department~~department may acquire such lands and property including rights of access as  
30 may be needed for turnpike facilities by gift, devise, purchase, or condemnation by easement or in fee  
31 simple in the same manner as now or hereafter authorized by law for acquiring property or property  
32 rights in connection with other state highways.

33 ~~4.~~(4) In designating, establishing, planning, abandoning, improving, constructing, maintaining and  
34 regulating turnpike facilities the ~~Department~~department may exercise such authorizations as are  
35 granted to the ~~Department~~department by the provisions of other statute law applicable to the state  
36 highway system, except as they may be inconsistent with the provisions included herein.

1 ~~5-(5)(a)~~ The ~~Department~~department may contract with any person, partnership, association or  
2 corporation desiring the use of any part of the turnpike facility, including the ~~right-of-way~~right of way  
3 adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas  
4 stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or  
5 railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a  
6 sufficient number of the aforementioned facilities shall be authorized to be established in each service  
7 area along any such turnpike project to permit reasonable competition by private business in the public  
8 interest. Revenues from these contracts would be included in turnpike facility revenues.

9 (b) The department may contract with any political subdivision desiring to assist the department,  
10 whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning,  
11 financing, improving, constructing, maintaining, and regulating turnpike facilities as may be set forth  
12 in a short-term or long-term intergovernmental agreement between the department and such political  
13 subdivision. Revenues from these contracts may be pledged for the term thereof and may be included  
14 in turnpike facility revenues should the contract so provide. The right to receive any payments under  
15 such an intergovernmental agreement may be maintained by the department, or assigned to the trustee  
16 for the turnpike revenue bonds, as may be provided or authorized in the bond resolution. The authority  
17 to enter into such an intergovernmental agreement is concurrent, and supplementary, to those general  
18 powers granted political subdivisions and the department by law, without limitation.

19  
20 Section 57-5-1335. The ~~Department of Transportation~~department, before constructing a bridge or  
21 replacing an existing bridge which ~~qualifies~~is or is anticipated to be designated as a turnpike facility ~~as~~  
22 ~~defined in Section 57-5-1320~~, shall conduct the feasibility study ~~required by~~pursuant to Section  
23 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance  
24 Committees of the Senate and the Education and Public Works and Ways and Means Committees of  
25 the House of Representatives within fifteen days of the completion of the study.

26  
27 Section 57-5-1340. In addition to the powers listed above, the ~~South Carolina Department of~~  
28 ~~Transportation~~department may:

29 ~~1-(1) Request~~request the issuance of turnpike bonds for the purpose of paying all or any part of the  
30 cost of any one or more turnpike projects;

31 ~~2-(2) Fix~~fix and revise from time to time and charge and collect a program of tolls for transit over  
32 each designated turnpike facility ~~constructed by it~~ and each program may provide for dynamic tolling,  
33 scheduled tolling, variable tolling, uniform tolling, or some combination thereof, and may take into  
34 account the weight and class of certain vehicles, real-time and planned usage, and any other factors  
35 deemed appropriate by the department;

36 ~~3-(3) Combine~~combine, for the purposes of financing ~~the~~any turnpike facilities, any two or more

1 turnpike facilities, subject to ratification and approval by the authority in a bond resolution;

2 ~~4.(4) Control~~control access to turnpike facilities;

3 ~~5.(5) To~~ to the extent permitted by a bond resolution, expend turnpike facility ~~or facilities~~-revenues  
4 in advertising the turnpike facilities and services of the turnpike facility or facilities to the traveling  
5 public;

6 ~~6.(6) Receive~~receive and accept from any federal agency grants for or in the aid of the construction  
7 of any turnpike facility;

8 ~~7.(7) Establish~~establish a separate division to administer turnpike facilities and a separate turnpike  
9 facility account;

10 ~~8.(8) Do~~do all acts and things necessary or convenient to carry out the powers expressly granted in  
11 this article.

12  
13 Section 57-5-1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the  
14 commission may make request to the ~~State Fiscal Accountability Authority~~authority for the issuance  
15 of turnpike bonds. The request may be in the form of a resolution adopted at any regular or special  
16 meeting of the commission. The request shall set forth on the face thereof or by schedule attached  
17 thereto:

18 ~~1.(1)~~ the turnpike facility proposed to be constructed or designated;

19 ~~2.(2)~~ the amount required for feasibility studies, planning, design, ~~right of way~~right of way  
20 acquisition, and construction of the turnpike facility;

21 ~~3.(3)~~ a tentative time schedule setting forth the period of time for which the sum ~~request~~  
22 must requested is expected to be expended;

23 ~~4.(4)~~ a debt service table showing the estimated annual principal and interest requirements for the  
24 requested turnpike bonds;

25 ~~5.(5)~~ any feasibility study obtained by the commission relating to the proposed turnpike facility;

26 ~~6.(6)~~ the commission's recommendations relating to any covenant to be made in the bond resolution  
27 of the ~~State Fiscal Accountability Authority~~authority respecting competition between the proposed  
28 turnpike facility and possible future highways whose construction would have an adverse effect upon  
29 the turnpike facility revenues which would otherwise be derived by the proposed turnpike facility.

30  
31 Section 57-5-1360. Following the receipt of a request pursuant to Section 57-5-1350, the ~~State Fiscal~~  
32 ~~Accountability Authority~~authority shall review the request and, to the extent that it approves the  
33 request, it may effect, by bond resolution duly adopted, the issuance of turnpike bonds, or pending their  
34 issuance, may effect the issuance of bond anticipation notes pursuant to Title 11, Chapter 17. ~~A~~  
35 ~~resolution approving any proposed turnpike bonds may not be adopted unless before approval the state~~  
36 ~~board conducts, after not less than ten days' published notice, a public hearing in the City of Columbia.~~

1  
2 Section 57-5-1370. Turnpike bonds may be issued from time to time under the conditions prescribed  
3 by this article.

4  
5 Section 57-5-1380. (A) For the payment of the principal of and interest on all turnpike bonds, there  
6 is irrevocably pledged ~~all turnpike revenues derived from the turnpike facility financed by the~~  
7 ~~bonds~~ revenues to the extent and in the manner prescribed by the bond resolution. Any interest earned  
8 on turnpike facility account balances must be credited to the turnpike facility account as prescribed in  
9 the bond resolution.

10 (B) The turnpike bonds authorized by this article are special limited obligations of the State. The  
11 principal and interest are payable solely from the turnpike facility revenues. The turnpike bonds issued  
12 do not constitute an indebtedness of the State, authority, or department within the meaning of any state  
13 constitutional provision or statutory limitation, except indebtedness payable solely from a revenue  
14 producing source or from a special source that does not include revenues from any tax within the  
15 meaning of item (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit,  
16 and taxing powers of the State, authority, or department are not pledged to the payment of the turnpike  
17 bonds and this fact must be plainly stated on the face of each turnpike bond. The authority and the  
18 department each lack taxing power.

19  
20 Section 57-5-1390. Turnpike bonds shall bear interest, payable on occasions prescribed by the ~~State~~  
21 ~~Fiscal Accountability Authority~~ authority, at a rate not exceeding the maximum prescribed by ~~Section~~  
22 ~~11-9-350~~ the bond resolution. Each issue of turnpike bonds shall mature on the occasion prescribed by  
23 the ~~State Fiscal Accountability Authority~~ authority, not exceeding forty years from the date the bonds  
24 ~~bear~~ are issued. Turnpike bonds may, in the discretion of the ~~State Fiscal Accountability~~  
25 ~~Authority~~ authority, be made subject to redemption at par and accrued interest, plus such redemption  
26 premium as it approves and on occasions and under conditions it prescribes. Turnpike bonds are not  
27 redeemable before maturity unless they contain a statement to that effect.

28  
29 Section 57-5-1400. Turnpike bonds must be sold at private or public sale under conditions prescribed  
30 by the ~~State Fiscal Accountability Authority~~ bond resolution. For the purpose of bringing about  
31 successful sales of the bonds, the ~~State Fiscal Accountability Authority~~ authority may do, or cause to  
32 be done, all things ordinarily and customarily done in connection with the sale of state or municipal  
33 bonds. All expenses incident to the sales of the turnpike bonds must be paid from the proceeds of the  
34 sale of the turnpike bonds or turnpike facility revenues.

35  
36 Section 57-5-1410. All turnpike bonds must be executed in the name of and on behalf of the State of

1 ~~South Carolina~~ and must be signed by the Governor and the State Treasurer. The Great Seal of the State  
2 must be affixed to, impressed, or reproduced upon each of them and they must be attested by the  
3 Secretary of State. If approved by the ~~State Fiscal Accountability Authority, any one or two of~~  
4 ~~the~~authority, the officers may, in lieu of manually signing, employ the use of the facsimile of their  
5 signatures in executing any turnpike bonds.

6  
7 Section 57-5-1420. The proceeds derived from the sale of turnpike bonds must be applied only to the  
8 purposes ~~for which bonds are issued~~authorized by this article and provided in the bond resolution.

9  
10 Section 57-5-1430. Turnpike bonds must each be in the denomination of one thousand or five  
11 thousand dollars or some multiple thereof or such larger denominations as may be authorized by the  
12 authority in the bond resolution.

13  
14 Section 57-5-1440. ~~Turnpike bonds issued pursuant to this article may be in the form of negotiable~~  
15 ~~coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name~~  
16 ~~on the books of the State Treasurer as to principal only, or as to both principal and interest, and the~~  
17 ~~principal or both principal and interest, as the case may be, thus made payable to the registered holder,~~  
18 ~~subject to conditions the State Fiscal Accountability Authority prescribes. Turnpike bonds so~~  
19 ~~registered as to principal in the name of the holder may thereafter be registered as payable to bearer~~  
20 ~~and made payable accordingly.~~

21 Turnpike bonds may also be issued as fully registered bonds with both principal and interest made  
22 payable only to the registered holder. The fully registered bonds are subject to transfer under conditions  
23 the ~~State Fiscal Accountability Authority prescribes. The fully registered bonds may, if the proceedings~~  
24 ~~authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes~~  
25 ~~set forth in the first paragraph of this section~~authority prescribes.

26  
27 Section 57-5-1450. (A) The ~~State Fiscal Accountability Authority~~authority, by bond resolution duly  
28 adopted, may make provision for the issuance of turnpike bonds. In the bond resolution, the ~~State Fiscal~~  
29 ~~Accountability Authority~~authority may prescribe:

- 30 (1) the amount, denomination, and numbering of turnpike bonds to be issued;
- 31 (2) the ~~date as of which they must be issued~~method or manner of dating the turnpike bonds;
- 32 (3) the estimated maturity schedule for the retirement of the turnpike bonds and pro-forma table  
33 of anticipated and interest payments for such turnpike bonds;
- 34 (4) the form or forms of the turnpike bonds of the particular issue;
- 35 (5) the redemption provisions or manner of determining the same, if any, applicable to the bonds;
- 36 (6) the maximum rate or rates of interest the turnpike bonds shall bear;

1 (7) the specific purposes for which the turnpike bonds must be issued;

2 (8) the purposes for which the proceeds of the turnpike bonds must be expended, in the discretion  
3 of the ~~State Fiscal Accountability Authority~~authority, a portion of the proceeds may be used as  
4 capitalized interest during the period of construction and initial operation and for the creation of  
5 appropriate debt service reserves and such other funds and accounts as the authority deems necessary  
6 or expedient for the turnpike bonds and the proper operation and functioning of the turnpike facilities;

7 ~~—(9) the method and conditions by which turnpike revenues from the turnpike facility so financed~~  
8 ~~must be collected and utilized;~~

9 ~~(10)~~(9) the extent to which and the conditions under which additional parity turnpike bonds may  
10 be issued;

11 ~~(11)~~(10) any covenant considered necessary protecting the turnpike facility so financed from  
12 possible future competition from other highways or comparable facilities;

13 ~~(12)~~(11) the authorized method or methods by which the turnpike bonds must be sold and such  
14 other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the  
15 turnpike bonds;

16 (12) the conditions under which refunding turnpike bonds may be issued.

17 ~~—(B) Except as otherwise provided in this article, all expenses incurred in carrying out the provisions~~  
18 ~~of this article are payable solely from funds provided under the authority of this article or from any~~  
19 ~~funds provided by the federal government or from other special sources and no liability or obligation~~  
20 ~~may be incurred by the department beyond the extent to which money has been provided under the~~  
21 ~~provisions of this article.~~

22 ~~(C)~~(B) The bond resolution shall set forth further a finding on the part of the ~~State Fiscal~~  
23 ~~Accountability Authority~~authority that the estimate of turnpike facility revenues made by the  
24 ~~commission~~department and approved by the ~~State Fiscal Accountability Authority~~authority indicates  
25 that collection from turnpike facility revenues for applicable fiscal years is expected to be no less  
26 than that required for annual debt service requirements of the requested turnpike bonds. In making such  
27 finding, the department and the authority may rely in whole or in part on the work product of third-party  
28 professionals engaged to provide financial, feasibility or practicability studies related to the turnpike  
29 facilities or the financing thereof through turnpike bonds.

30 (C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or  
31 modify in any way, the designation of turnpike facilities proposed pursuant to Section 57-5-1350.

32 (D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the  
33 combining of any turnpike facilities then existing or proposed pursuant to Section 57-5-1350; provided,  
34 however, that before ratifying and approving such combination, from time to time the authority shall  
35 make a finding that it is in the best interest of the State after taking into account factors including, but  
36 not limited to, geographic connection, regional transportation planning, operational efficiencies,

1 revenue stability, bonding capacity, and such other factors as it finds relevant.

2  
3 Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to  
4 the satisfaction of the Governor and the State Treasurer that the estimated collection from the ~~sources~~  
5 ~~of revenue~~ turnpike facility revenues in applicable future fiscal years are ~~not~~ no less than that required  
6 for annual debt service requirements for the requested turnpike bonds, the Governor and State Treasurer  
7 may effect the delivery of bonds in accordance with the bond resolution.

8  
9 Section 57-5-1470. All turnpike bonds issued under this article, and the interest thereon, are exempt  
10 from all state, county, municipal, school district, and other taxes or assessment, direct or indirect,  
11 general or special, imposed by the State of South Carolina, whether imposed for the purpose of general  
12 revenue or otherwise, except inheritance, estate, or transfer taxes. Each turnpike facility constitutes a  
13 portion of the state highway system and as such is not subject to ad valorem or other forms of taxation  
14 by the State or any of its political subdivisions.

15  
16 Section 57-5-1480. It is lawful for all executors, administrators, guardians, and other fiduciaries and  
17 all sinking fund commissions, including the ~~State Fiscal Accountability Authority~~ Retirement System  
18 Investment Commission and Public Employee Benefit Authority in their capacities as cotrustees of the  
19 funds of the South Carolina Retirement System and the authority as manager and administrator of other  
20 state sinking funds, to invest any monies in their hands in turnpike bonds.

21  
22 Section 57-5-1490. Any person who uses any turnpike ~~project~~ facility and fails or refuses to pay  
23 ~~the any toll provided therefor~~ then due shall be deemed guilty of a misdemeanor and upon conviction  
24 shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than  
25 thirty days, and in addition thereto the ~~Department~~ department shall have a lien upon the vehicle driven  
26 by such person for the amount of such toll and may take and retain possession thereof.

27  
28 Section 57-5-1495. (A) As used in this section:

29 (1) "Electronic toll collection system" means a system of collecting tolls or charges which is  
30 capable of charging an account holder or person the appropriate toll or charge by ~~transmission of~~  
31 ~~information from an electronic device on a motor vehicle to the toll lane, which information is used to~~  
32 ~~charge the account the appropriate toll or charge~~ means.

33 (2) "Lessor" means any person, corporation, firm, partnership, agency, association, or  
34 organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein  
35 the said lessee has the exclusive use of the vehicle for any period of time.

36 (3) "Lessee" means any person, corporation, firm, partnership, agency, association, or

1 organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of  
2 the vehicles for any period of time.

3 (4) "Owner" means a person or an entity who, at the time of a toll violation and with respect to  
4 the vehicle involved in the violation, is the registrant or co-registrant of the vehicle with the Department  
5 of Motor Vehicles of this State or another state, territory, district, province, nation, or jurisdiction.

6 (5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll  
7 collection facility which automatically produces one or more photographs, one or more  
8 microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated  
9 in violation of toll collection regulations.

10 (6) "Toll violation" means the passage of a vehicle through a toll collection point without payment  
11 of the required toll.

12 (7) "Vehicle" means a device in, upon, or by which a person or property is or may be transported  
13 or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

14 (B) Notwithstanding another provision of law, when a vehicle is driven through a turnpike facility  
15 without payment of the required toll, the owner and operator of the vehicle is jointly and severally  
16 liable to the ~~Department of Transportation~~ department to pay the required toll, administrative fees, and  
17 civil penalty as provided in this section. The department or its authorized agent may enforce collection  
18 of the required toll as provided for in this section.

19 (C) A certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a toll  
20 violation has occurred, based upon inspection of photographs, microphotographs, videotape, or other  
21 recorded images produced by a photo-monitoring system, is prima facie evidence of the violation and  
22 is admissible in any proceeding charging a toll violation pursuant to this section. A photograph,  
23 microphotograph, videotape, ~~or other recorded image,~~ or other electronic means, evidencing a violation  
24 must be available for inspection by the party charged and is admissible into evidence in a proceeding  
25 to adjudicate liability for a violation.

26 (D) The department or its authorized agent may assess and collect administrative fees of:

27 (1) not more than ten dollars for the first toll violation within a period of one year;

28 (2) not more than twenty-five dollars for each subsequent toll violation within a period of one  
29 year.

30 (E) Upon failure to pay the required toll and administrative fees to the department within thirty days  
31 of the notice, the owner or operator may be cited for failure to pay a toll pursuant to this subsection  
32 and, upon an adjudication of liability, is subject to a civil penalty not to exceed fifty dollars for each  
33 violation as contained in subsection (F). Upon an adjudication of liability, a judgment must be entered  
34 against the owner or operator, and the court must mail a copy of the judgment to the owner or operator.  
35 Upon failure to satisfy the judgment within thirty days, the court shall notify the Department of Motor  
36 Vehicles and the authorized agent, and the department shall suspend the registration of the vehicle that

1 was operated when the toll was not paid and deny the vehicle's registration or reregistration pursuant  
2 to Section 56-3-1335. The suspension shall remain in effect until the judgment is satisfied and evidence  
3 of its satisfaction has been presented to the Department of Motor Vehicles and the authorized agent.  
4 An owner or operator who has been convicted of a violation of Section 57-5-1490 is not liable for the  
5 penalty imposed by this subsection.

6 (F) If a magistrate or municipal judge determines that the person or entity charged with liability  
7 under this section is liable, the magistrate or municipal judge shall collect the unpaid tolls and  
8 administrative fee and forward them to the department or its authorized agent. The magistrate or  
9 municipal judge also may impose a civil penalty of up to fifty dollars for each violation, plus court  
10 costs and attorney's fees. The civil penalty must be distributed in the same manner as other fines and  
11 penalties collected by the magistrate. Notwithstanding another provision of law:

12 (1) adjudication of liability pursuant to this section must be made by the magistrate's court of the  
13 county in which the toll facility is located or the municipal court of the city in which the toll facility is  
14 located; and

15 (2) an imposition of liability pursuant to this section must be based upon a preponderance of  
16 evidence submitted and is not a conviction as an operator pursuant to Section 57-5-1490.

17 (G) The department or its authorized agent shall send:

18 (1) a "First Notice to Pay Toll" to the owner or operator of a vehicle which, on one occasion in  
19 any twelve-month period, is identified as having been involved in a toll violation. The first notice must  
20 require payment to the department of the required toll, plus an administrative fee as provided for in  
21 subsection (D), within thirty days of the mailing of the notice;

22 (2) a "Second Notice to Pay Toll" to the owner or operator of a vehicle which is identified as  
23 having been involved in a second toll violation in a twelve-month period, or who has failed to respond  
24 to a "First Notice to Pay Toll" within the required time period. The second notice must require payment  
25 to the department of the required tolls, plus an administrative fee as provided for in subsection (D) for  
26 each violation within thirty days of the mailing of the notice;

27 (3) a "Failure to Pay a Toll" citation to the owner or operator of a vehicle which is identified as  
28 having been involved in a third toll violation in a twelve-month period, or who has failed to respond to  
29 the second notice within the required time period. The citation requires payment to the department of  
30 the unpaid tolls, plus an administrative fee of not more than twenty-five dollars for each violation,  
31 within thirty days, or the recipient's appearance in magistrate's court of the county in which the  
32 violation occurred or the municipal court of the city in which the violation has occurred to contest the  
33 citation. A "Failure to Pay a Toll" citation constitutes the summons and complaint for an action to  
34 recover the toll and all applicable fees allowed pursuant to this section; and

35 (4) notwithstanding another provision of law, the notices and citation required by subsection (G)  
36 by first-class mail to the owner or operator of the vehicle identified as being involved in the toll

1 violation. If a vehicle is registered in two or more names, the notices or citation must be mailed to the  
2 first name listed on the registration records. Notwithstanding another provision of law, personal  
3 delivery of the notices and citation is not required. A manual or automatic record of the mailing of the  
4 notices or citation prepared in the ordinary course of business is prima facie evidence of the mailing of  
5 the notices or citation;

6 (5) the notices and citation required by this subsection must contain the following information:

7 (a) the name and address of the person or entity alleged to be liable for a failure to pay a toll  
8 pursuant to this section;

9 (b) the registration number of the vehicle involved in the toll violation;

10 (c) the location where the toll violation took place;

11 (d) the date and time of the toll violation;

12 (e) the identification number of the photo-monitoring system which recorded the violation or  
13 other document locator number;

14 (f) information advising of the manner and time in which liability may be contested;

15 (g) warning advising that failure to contest liability in the manner and time provided in this  
16 section is an admission of liability; and

17 (h) information advising that failure to pay a toll may result in the suspension of vehicle  
18 registration.

19 (H) If a vehicle owner receives a notice or citation pursuant to this section for a period during which  
20 the vehicle involved in the toll violation was:

21 (1) reported to a law enforcement division as having been stolen, a valid defense to an allegation  
22 of liability for a failure to pay a toll is that the vehicle had been reported to a law enforcement division  
23 as stolen before the time the violation occurred and had not been recovered by the time of the violation.  
24 If an owner receives a notice or citation pursuant to this section for a violation which occurred during  
25 a time period in which the vehicle was stolen, but which had not been reported to a law enforcement  
26 division as having been stolen, a valid defense to an allegation of liability for a toll violation pursuant  
27 to this section is that the vehicle was reported as stolen within two hours after the discovery of the theft  
28 by the owner. For purposes of asserting the defense provided by this subitem, a certified copy of the  
29 police report on the stolen vehicle, sent by first-class mail to the department, its agent, or the  
30 magistrate's court or the municipal court having jurisdiction of the citation within thirty days after  
31 receipt of the notices or citation, is sufficient;

32 (2) leased to another person or entity, the lessor is not liable for the violation if the lessor sends to  
33 the department or to the court having jurisdiction over the citation a copy of the rental, lease, or another  
34 contract document covering the vehicle on the date of the violation, with the name and address of the  
35 lessee clearly legible, within thirty days after receiving the notices or citation. Failure to send the  
36 information within the thirty-day period renders the lessor liable for the unpaid tolls and any

1 administrative fees or penalties assessed pursuant to this section. If the lessor complies with the  
2 provisions of this subitem, the lessee of the vehicle on the date of the violation is subject to liability for  
3 the failure to pay the toll if the department or its agent mails a notice of liability to the lessee within  
4 thirty days after receipt of a copy of the rental, lease, or other contract document.

5 (I) If a person or entity receives a notice or citation pursuant to this section, it is a valid defense to  
6 liability that the person or entity that receives the notice was not the owner of the vehicle at the time of  
7 the toll violation.

8 (J) If an owner who pays the required tolls, fees, or penalties, or all of them pursuant to this section  
9 was not the operator of the vehicle at the time of the violation, the owner may maintain an action for  
10 indemnification against the operator.

11 (K) An owner of a vehicle is not liable for a penalty imposed pursuant to this section if the operator  
12 of the vehicle has been convicted of a violation of Section 57-5-1490 for the same incident.

13 (L) On turnpike facilities where electronic toll collection systems are utilized:

14 (1) a person who wants to make payment of tolls electronically must apply to the department or  
15 its authorized agent to become an account holder. The department or its authorized agent, in its  
16 discretion, may deny the application of a person. A person whose application is accepted must execute  
17 an account holder's agreement. The terms of the account holder's agreement must be established by  
18 the department;

19 (2) the department shall ensure that adequate and timely notice is given to all electronic toll  
20 collection system account holders to inform them when their accounts are delinquent. The owner of a  
21 vehicle who is an account holder under the electronic toll collection system is not liable for a failure to  
22 pay a toll pursuant to the provisions of this section unless the department or its authorized agent has  
23 first sent a notice of delinquency to the account holder and the account holder was delinquent at the  
24 time of the violation;

25 (3) the department shall not sell, distribute, or make available the names and addresses of  
26 electronic toll collection system account holders, without the account holder's consent, to any entity  
27 that uses the information for commercial purposes. However, this restriction does not preclude the  
28 exchange of this information between entities with jurisdiction over or operating a toll highway bridge  
29 or tunnel;

30 (4) information or data collected by the department or its authorized agent for the purpose of  
31 establishing and monitoring electronic toll collection accounts is not subject to disclosure under the  
32 Freedom of Information Act;

33 (5) notwithstanding another provision of law, all information, data, photographs,  
34 microphotographs, videotape, or other recorded images prepared pursuant to this section must be for  
35 the exclusive use of the department or its authorized agent in the discharge of its duties under this  
36 section and must not be open to the public, subject to the disclosure under the Freedom of Information

1 Act, nor used in a court in an action or a proceeding pending unless the action or proceeding relates to  
2 the imposition of or indemnification for liability pursuant to this section.

3 (M) Notwithstanding any other provision of law, school buses transporting school children for a  
4 school event, shall be exempt from the payment of any tolls.

5  
6 SECTION 28. Article 1, Chapter 1, Title 57 of the S.C. Code is amended by adding:

7  
8 Section 57-1-25. (A) There is established the Coordinating Council for Transportation and Mobility  
9 that is responsible for developing coordinated transportation plans and policy for the State of South  
10 Carolina. The coordinating council is responsible for approving the long-range State Transportation  
11 Plan required by Section 57-1-370. Also, the coordinating council shall review and comment on plans  
12 developed by the member agencies, as set forth in subsection (B), for the furtherance of coordinated  
13 transportation planning in the State.

14 (B) The coordinating council shall consist of:

- 15 (1) the Secretary of Transportation, who shall serve as chairman;  
16 (2) the Director of Public Safety;  
17 (3) the Executive Director of the Department of Motor Vehicles;  
18 (4) the Secretary of Commerce;  
19 (5) the Executive Director of the Office of Regulatory Staff;  
20 (6) the Director of the Department of Natural Resources;  
21 (7) the Director of the Department of Environmental Services;  
22 (8) the Executive Director of the State Ports Authority, or his designee;  
23 (9) the Chairman of the Aeronautics Commission, or his designee;  
24 (10) the Chairman of State Transportation Infrastructure Bank board of directors, or his designee;

25 and

- 26 (11) one municipal representative and one county representative, both appointed by the Governor.

27 (C) The department's Deputy Secretary for Planning shall serve as staff to the coordinating council.

28 (D) The coordinating council shall recommend for the Governor's certification the boundaries of  
29 metropolitan planning organizations within urban areas in cooperation with the local governments in  
30 the metropolitan planning organization as provided by United States Department of Transportation.

31 (E) The coordinating council shall establish rural transportation planning districts outside of the  
32 boundaries of metropolitan planning organizations. In developing the boundaries, the coordinating  
33 council must consider existing population centers, commuting patterns, and anticipated future growth  
34 patterns. The coordinating council shall establish the representation from local jurisdictions on each  
35 rural transportation planning district. The rural transportation planning district shall establish  
36 transportation plans for the assigned territory including plans for the provision of rural mass transit.

1 (F) The coordinating council shall approve the host organizations for each metropolitan planning  
2 organization and rural transportation planning district. In approving the host organization, the  
3 coordinating council must ensure that the host organization is able to operate independently and  
4 ethically.

5  
6 SECTION 29. Article 1, Chapter 5, Title 57 of the S.C. Code is amended by adding:

7  
8 Section 57-5-105. (A) The department shall conduct a study of the state highway system to  
9 determine which, if any, roads are not essential to the operation of the system. The department shall  
10 publish the list of nonessential roads, and may transfer ownership and maintenance responsibilities to  
11 counties, municipalities, and other entities. The list must be approved by the Coordinating Council for  
12 Transportation and Mobility.

13 (B) There is hereby created within the department the System Realignment Fund to fund the transfer  
14 of nonessential roads identified pursuant to subsection (A) to local governments and entities. The fund  
15 may receive monies from an appropriation or authorization of the General Assembly and the Secretary  
16 of Transportation may transfer monies from the State Highway Fund.

17 (C) In a county where the department has transferred all roads identified as nonessential pursuant to  
18 subsection (A):

19 (1) the applicable County Transportation Committee is not required to expend twenty-five percent  
20 of its "C" funds on the state highway system as otherwise required by Section 12-28-2740(C);

21 (2) the applicable county may impose a sales tax of two percent in accordance with the  
22 requirements of Section 4-37-30(A); and

23 (3) the local governments wholly within the applicable county may impose additional millage to  
24 meet the funding requirements of maintaining the roads. The initial additional millage authorized by  
25 this section is not subject to the provisions of Section 6-1-320.

26 (D) Road transferred pursuant to this section must be maintained by the local government or entity,  
27 meet or exceed the state highway maintenance standards, and remain in a good state of repair.

28  
29 SECTION 30. Section 57-3-20 of the S.C. Code is amended to read:

30  
31 Section 57-3-20. The responsibilities and duties of the following division deputy ~~directors~~ secretaries  
32 must include, but not be limited to, the following:

33 (1) ~~division deputy director for finance and administration~~ Deputy Secretary for Finance and  
34 Administration:

35 (a) financial planning and management;

36 (b) accounting systems necessary to comply with all federal and/or state laws and/or regulations

1 as well as all policies established by the Comptroller General; ~~and~~

2 (c) administrative functions, including recording proceedings of the commission and developing  
3 policy and procedures to ensure compliance with these policies and procedures; and

4 (d) financial management of funding from federal, state, and local transit, rail, and other  
5 intermodal transportation;

6 (2) ~~division deputy director for construction, engineering, and planning~~ Deputy Secretary for  
7 Engineering:

8 (a) ~~develop statewide strategic highway plans~~ operations and management of the department's  
9 highway districts; and

10 (b) direct highway engineering activities, including preconstruction, construction, design,  
11 construction oversight, and maintenance of state highways; and

12 (c) establish project and program priority lists;

13 (3) ~~division deputy director for intermodal and freight programs~~ Deputy Secretary for Intermodal and  
14 Freight Programs:

15 (a) develop a statewide public transit system;

16 (b) coordinate the preservation and revitalization of existing rail corridors;

17 (c) develop and coordinate a statewide passenger and freight rail system, including the  
18 development of a comprehensive state rail plan for passenger and freight railroads and rail  
19 infrastructure services;

20 (d) ~~plan, develop, and coordinate~~ and implement a comprehensive intermodal transportation  
21 program for the movement of passengers and freight through integrated highway, railroad, port, airport,  
22 and other transit systems; and

23 ~~(e) financial management of funding from federal, state, and local transit, rail, and other~~  
24 ~~intermodal sources; and~~

25 ~~(f)~~ (e) manage the Office of Railroads and the Office of Public Transit;

26 (4) Deputy Secretary for Planning:

27 (a) develop statewide strategic transportation plans;

28 (b) coordinate statewide plans with federally and state-funded regional and local transportation  
29 planning organizations; and

30 (c) serve as the staff for the department to the Coordinating Council for Transportation and  
31 Mobility.

32  
33 SECTION 31. Section 57-1-360(B) of the S.C. Code is amended to read:

34  
35 (B)(1) The chief internal auditor must be a Certified Public Accountant, a Certified Internal Auditor,  
36 or a Certified Fraud Examiner, and possess any other experience the State Auditor may require. The

1 chief internal auditor must establish, implement, and maintain the exclusive internal audit function of  
2 all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed  
3 by statute or applicable law.

4 (2) The audits performed by the chief internal auditor must comply with recognized governmental  
5 auditing standards. The scope of internal audit services shall cover the entire department, including all  
6 of the department's activities, assets, and personnel. The scope of internal audit activities also  
7 encompasses, but is not limited to, objective examinations of evidence to provide independent  
8 assurance on the adequacy, effectiveness, and efficiency of governance, risk management, control  
9 processes, and compliance for the department. The department and any entity contracting with the  
10 department must fully cooperate with the chief internal auditor in the discharge of his duties and  
11 responsibilities and must timely produce all books, papers, correspondence, memoranda, and other  
12 records considered necessary in connection with an internal audit. All final audit reports must be  
13 submitted to the ~~commission and secretary~~, the Chairman of the Senate Transportation Committee, the  
14 Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education  
15 and Public Works Committee, and the Chairman of the House of Representatives Ways and Means  
16 Committee before being made public. All final audit reports shall be published on the department's and  
17 the State Auditor's websites.

18 (3) The State Auditor is vested with the exclusive management and control of the chief internal  
19 auditor.

20  
21 SECTION 32. Section 11-35-710(A)(1) of the S.C. Code is amended to read:

22  
23 (1) ~~the transportation planning, financing, construction, maintenance, operation,~~ and repair of  
24 bridges, highways, ~~and roads,~~ and other improvements on state rights of way; vehicle and road  
25 equipment maintenance and repair; purchase and management of information technology including,  
26 but not limited to, Intelligent Transportation Systems and signals utilized by the Department of  
27 Transportation; and other emergency-type parts or equipment utilized by the Department of  
28 Transportation or the Department of Public Safety. This exemption does not apply to welcome centers  
29 operated or staffed by the Department of Parks, Recreation and Tourism. The Department of  
30 Transportation is authorized upon an affirmative vote of the State Fiscal Accountability Authority to  
31 utilize procurement methods authorized under Article 9 of this chapter under its exemption;

32  
33 SECTION 33. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

34  
35 Section 57-5-1710. (A) As used in this section, "phased design-build" means a project delivery  
36 method that uses a stepped, or progressive qualifications-based selection process, followed by a

1 progression to a contract price.

2 (B)(1) The department must select the phased design-build contractor exclusively on qualifications  
3 and technical approach, without consideration of schedule or costs, which must deliver the project in  
4 multiple phases.

5 (2) The phased design-build contractor is initially under contract for preconstruction activities  
6 including, but not limited to, project validation, designing and developing plans, performing  
7 constructability reviews, and developing construction schedules and pricing.

8 (3) The department and the phased design-build contractor shall work to establish a guaranteed  
9 maximum construction cost. The guaranteed maximum construction cost is the total dollar amount  
10 within which the phased design-build contractor shall complete the final design and construction of the  
11 project including the contractor's direct costs, overhead, and profit, plus any authorized contingency.  
12 Upon agreement of the guaranteed maximum construction cost, the department and the phased  
13 design-build contractor may execute a second contract or an amendment to the initial contract for  
14 completion of the final designs and construction of the project consistent with the provisions of  
15 subsection (C).

16 (4) In the event the department and phased design-build contractor cannot reach agreement on a  
17 guaranteed maximum construction cost, the department shall take ownership and assume liability of  
18 the design work product. Nothing shall prohibit the department from pursuing the project under any  
19 other legally allowed method.

20 (C) The department only may award a contract under this section if the department:

21 (1) determines that it is in the public's interest to use the phased design-build project delivery  
22 method; and

23 (2) prequalifies the prime contractor and lead designer firm that will be awarded the contract.

24 (D) The department may award a contract using phased design-build procedures if:

25 (1) Prior to initiating a phased design-build procurement under this section, the department  
26 submits a report to the Joint Bond Review Committee on the nature and scope of the project and the  
27 reasons the phased design-build procurement project delivery method will best serve the public interest.  
28 The department shall not initiate a procurement until the Joint Bond Review Committee has provided  
29 its review and comment.

30 (2) Upon completion of a project awarded pursuant to this section, the department submits a  
31 postcompletion report to the Joint Bond Review Committee detailing the project results, including any  
32 cost and time efficiencies achieved using the phased design-build project delivery method. This report  
33 must include a cost analysis comparing the use of phased design-build for awarding contracts with the  
34 award of contracts under the existing procedure.

35 (E) The department may promulgate regulations to implement the phased design-build method.  
36

1 Section 57-5-1720.(A) The department may award highway construction contracts using a  
2 construction manager/general contractor (CM/GC) procedure. Under a CM/GC contract, the  
3 department shall perform preconstruction services via department personnel or via contract. A CM/GC  
4 contractor is responsible for providing advisory preconstruction services of the department's design  
5 including, but not limited to, constructability review, scheduling, pricing, and phasing. The CM/GC  
6 contractor must be able to perform construction should the department and the contractor agree to a  
7 guaranteed maximum price.

8 (B) Should a guaranteed maximum price agreement be reached, construction services shall  
9 commence under a subsequent contract instrument. The contract instrument may be in the form of a  
10 CM/GC contract, a franchise agreement, or any other form of contract approved by the department.  
11 Before execution of a construction contract, the department shall retain an independent third party to  
12 develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

13 (C) Selection criteria shall include the contractor's cost for preconstruction services associated with  
14 the project, contractor qualifications, experience, past performance, best value, or any combination of  
15 these criteria, or any other combination of selection criteria considered appropriate by the department.

16 (D) The department may promulgate regulations to implement the CM/GC project delivery method.  
17

18 SECTION 34. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:  
19

20 Section 57-3-790. The State waives its immunity under the Eleventh Amendment of the United  
21 States Constitution and consents to suit in a federal court for lawsuits arising out of the department's  
22 compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326  
23 and 327. The waiver of immunity under this section is valid only if:

24 (1) the Secretary of Transportation executes a memorandum of understanding with the United  
25 States Department of Transportation accepting the jurisdiction of the federal courts as required by 23  
26 U.S.C. Sections 326(c) and 327(c);

27 (2) before execution of the memorandum of understanding pursuant to item (1), the South Carolina  
28 Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator  
29 of the Federal Highway Administration that the memorandum of understanding and the waiver of  
30 immunity are valid and binding upon the State;

31 (3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance,  
32 discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Section  
33 326 and 327; and

34 (4) the memorandum of understanding is in effect when the act or omission that is the subject of  
35 the federal lawsuit occurred.  
36

1 SECTION 35. Sections 57-5-820 through 57-5-830 of the S.C. Code are amended to read:

2  
3 Section 57-5-820. (A) As used in this section and Section 57-5-830:

4 (1) “Structurally deficient” means not adequate to handle the vehicle weights authorized on roads  
5 leading to them.

6 (2) “Functionally obsolete” means narrow clearances or sharp roadway approach angles that make  
7 passage difficult or hazardous, or with too few lanes for existing traffic needs.

8 (B) All work to be performed by the Department on state highways within a municipality must be  
9 with the consent and approval of the proper municipal authorities, except that work performed or to be  
10 performed on a bridge and its approaches, certified by the Department as functionally obsolete or  
11 structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require  
12 prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway. A  
13 decision by a municipality to not consent and approve the work must be communicated in writing to  
14 the department no less than one hundred eighty days before the right of way acquisition for the project  
15 to assure that the municipality does not unreasonably delay projects. Failure to provide consent and  
16 approval is deemed to be acceptance of the work. Municipalities shall not conditionally approve the  
17 work to be performed by the department. A decision to disapprove the work shall result in the  
18 cancellation of the project, unless the project is determined to be in the best interest of the State by the  
19 Coordinating Council for Transportation and Mobility.

20  
21 Section 57-5-830. In every case of a proposed permanent improvement, construction,  
22 reconstruction, or alteration by the ~~Department~~department of any highway or highway facility within  
23 a municipality, the municipality may review and approve the plans before the work is started but in no  
24 event shall such review and approval of the plans delay the project schedule as communicated by the  
25 department to the municipality; except that a municipality may not have the right to review and approve  
26 plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge  
27 and its approaches have been certified by the ~~Department~~department to be functionally obsolete or  
28 structurally deficient and if the bridge crosses the intracoastal waterway. Any costs incurred by the  
29 department caused by the unreasonable delay in the review and approval of the plans must be borne by  
30 the municipality.

31  
32 SECTION 36. Section 57-3-615 of the S.C. Code is amended to read:

33  
34 Section 57-3-615. ~~If a toll is administered on a project by the Department of Transportation, the toll~~  
35 ~~must be used to pay for the construction, maintenance costs, and other expenses for only that project.~~  
36 ~~A toll project that is in excess of one hundred fifty million dollars may only be initiated as provided in~~

1 ~~Chapter 37 of Title 4.~~

2 No toll may be imposed on passage of any vehicle on federal interstate highways or any highway in  
3 ~~this State which were in existence as of January 1, 1997,~~ unless the such imposition is allowed by, or  
4 not contrary to, federal law and:

5 \_\_\_\_\_ (1) the imposition is otherwise affirmatively approved specifically authorized by the General  
6 ~~Assembly in separate legislation enacted solely for that purpose; or~~

7 \_\_\_\_\_ (2) such toll is imposed as a result of the use of or right to use lanes and facilities: (a)(1) designated  
8 as turnpike facilities under Article 9, Chapter 5, Title 57; or (b) in connection with an agreement  
9 pursuant to Section 57-3-200 or Section 57-3-205 provided that the imposition of tolls is reviewed by  
10 the Joint Bond Review Commission and approved by the State Fiscal Accountability Authority before  
11 the solicitation of proposals therefor; and (b) such managed or choice lanes and facilities project  
12 increases the capacity of such highway.

13  
14 SECTION 37. Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

15  
16 Section 57-3-240. The Department of Transportation may enter into reciprocal agreements with  
17 other jurisdictions including the federal government and any state, or agencies or departments thereof,  
18 to enforce toll violations. Such an agreement shall provide that, when another jurisdiction certifies that  
19 the registered owner of a vehicle registered in this State has failed to pay a toll, processing fee, or civil  
20 penalty due to that jurisdiction, the unpaid toll, processing fee, or civil penalty may be enforced by  
21 placing a renewal block as if the owner of the motor vehicle has an outstanding judgment for failure to  
22 pay a toll under Section 56-3-1335, upon notification by the Department of Transportation to the  
23 Department of Motor Vehicles. Such agreement only shall be enforceable to the extent that:

24 (1) The other jurisdiction has its own reciprocal procedure for toll violation enforcement and does,  
25 in fact, reciprocate in enforcing toll violations within this State by withholding the registration renewal  
26 of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due  
27 process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will  
28 be pursued against the owner of a vehicle registered in this State.

29 (2) Drivers and vehicles licensed or registered in this State, while operating on the highways and  
30 bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind  
31 with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the  
32 other jurisdiction while they are operating on the highways and bridges of this State.

33 (3) The owner of a vehicle registered in this State may present evidence to the other toll agency or  
34 jurisdiction by mail or other means to invoke rights of due process without having to appear personally  
35 in the jurisdiction where the violation allegedly occurred.

36 (4) The reciprocal violation enforcement arrangement between the department and the other toll

1 agency provides that each party shall charge the other for costs associated with registration holds in  
2 their respective jurisdictions.

3  
4 Section 57-3-250. (A) In addition to all other statutory contracting authorizations granted to the  
5 department and notwithstanding any other law to the contrary, for the purpose of planning, designing,  
6 financing, constructing, operating or maintaining, or any combination thereof, highways, roads, streets,  
7 bridges, public transit, and work, improvements or facilities incidental or related thereto under the  
8 jurisdiction of the department, or any combination thereof, the department is authorized either directly,  
9 or through a new office of public-private partnerships, to enter into public-private partnership  
10 arrangements between or among the department and any public or private entities. The provisions of  
11 this section may be used in concert with any other provisions of state law to accomplish one or more  
12 projects.

13 (B) Public-private partnership arrangements may take the form of design-build agreements,  
14 design-build-operate agreements, design-build-operate-maintain agreements,  
15 design-build-finance-operate-maintain agreements, franchise agreements, predevelopment agreements,  
16 tolling services agreements, direct agreements, guarantees, concession agreements, lease agreements,  
17 availability payments agreements, performance-based payments agreement, or any other form of  
18 contract approved by the department, or other similar arrangements or agreements pursuant to which  
19 the design, right of way acquisition, relocation of structures or utilities, construction, financing,  
20 management, maintenance, and operation, or any combination thereof, of a public highway, road, street,  
21 buildings and facilities owned by the department, broadband technology, bridge, public transit project  
22 and work, improvements or facilities incidental or related thereto is accomplished by the department  
23 or on behalf of the department by any public or private entities or methods. Such agreements may be  
24 short-term or long-term agreements, not to exceed ninety-nine years. Contracts may authorize the  
25 establishment, adjustment, indexation, and enforcement of fares, tolls, or other user fees, including  
26 time-of-day or dynamic pricing, consistent with policies adopted by the department, which may allow  
27 enforcement through photo-monitoring. Contracts may specify a revenue application waterfall,  
28 reserves, rate covenants, and collection and enforcement measures. Agreements may be structured on  
29 a revenue-risk, availability-payment, or hybrid basis, including shadow tolls or usage-based  
30 performance components.

31 (C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize  
32 funding to be established, set, modified, adjusted, and retained by the private entity, may include fares,  
33 tolls, or other user fees for use of the project that is the subject of the arrangement and the department  
34 may provide enforcement and collection services for the benefit of a public-private partnership  
35 arrangement. Such funding may be distributed by contract among the participants in the project as may  
36 be provided for by contract. Multiyear payment obligations may be appropriation-backed availability

1 payments or milestone payments and may include standard nonappropriation clauses and termination  
2 for nonappropriation remedies with predefined compensation formulas.

3 (D) The department may take any action to obtain federal, state, or local assistance for a qualifying  
4 project that serves the public purpose and the public-private partnership arrangements authorized by  
5 this section and may enter into any contracts required to receive such assistance. The department may  
6 determine that it serves the public purpose and the public-private partnership arrangements authorized  
7 by this section for all or any portion of the costs of a project to be paid, directly or indirectly, from the  
8 proceeds of a grant or loan made by federal, state, or local government or any agency or instrumentality  
9 thereof. Such assistance includes, but is not limited to, assistance under the transportation infrastructure  
10 finance and innovation act, railroad rehabilitation and improvement financing, private activity bonds,  
11 and other federal credit or tax-exempt financing programs. The department may cooperate with private  
12 partners to obtain allocations or approvals necessary for the issuance of private activity bonds and  
13 similar instruments, and may establish or incorporate, or assist in the establishment and incorporation  
14 of, a not-for-profit corporation or entity for purpose of borrowing funds through a governmental conduit  
15 bond issuer for the benefit of a project procured by the department.

16 (E) Any contract entered into pursuant to this section shall require the private partner or each of its  
17 prime contractors to provide performance and payment security to the extent deemed necessary by the  
18 department or required by the financing parties. Notwithstanding any other provision of law, the penal  
19 sum or amount of such security may be less than the price of the contract involved, such as the value  
20 of the construction elements of the contract, based upon the department's determination on a  
21 project-by-project basis of what sum may be required to adequately protect the department, the State,  
22 and the contracting and subcontracting parties.

23 (F) Notwithstanding any provision of law, proposals under this section, with respect to public  
24 highway, road, bridge, building, facility, or public transit projects or work incidental or related thereto  
25 that the department determines can be more efficiently accomplished by any of the means enumerated  
26 in this section, may be evaluated and awarded by the department based on qualifications of participants  
27 or best value, or both, as evaluated by procedures of the department and taking into consideration the  
28 best interest of the State of South Carolina. Projects authorized under a predevelopment agreement may  
29 be authorized without specifying or finalizing the full or final scope of work to be performed under the  
30 procurement or predevelopment agreement. The department may utilize a two-step request for  
31 qualifications or request for proposals process with shortlisting; conduct competitive dialogue or  
32 confidential meetings with proposers; solicit and accept alternative technical concepts; and make  
33 best-value tradeoffs without mandated formulaic weights.

34 (G) To the extent not authorized by law other than this section, the determination of the type of  
35 contract to utilize under subsection (B) for a given project must be reviewed by the Joint Bond Review  
36 Committee before solicitation thereof. The agreement may include an agreement to make payments to

1 a development entity on a multiyear basis, provided either; (i) that payment and performance  
2 obligations for succeeding fiscal periods are subject to the availability and appropriation of funds for  
3 such periods, or (ii) that specific, limited revenues are identified and reviewed by the Joint Bond  
4 Review Committee before the solicitation of the procurement and such revenues are payable solely  
5 from a revenue-producing project or from a special source, which source does not involve revenues  
6 from any tax. The department may set up separate accounts, which may be with a commercial trustee,  
7 to account for any such funds and provide for the deposit and disbursement of monies therein under the  
8 public-private partnership arrangement. The department shall issue a report to the Joint Bond Review  
9 Committee within thirty days of execution of the public-private partnership arrangement and shall keep  
10 the Joint Bond Review Committee updated on an annual basis within one hundred twenty days of the  
11 end of each fiscal year as to the status of all public-private partnership arrangements outstanding.

12 (H) In every instance where the department shall propose to enter into a public-private partnership  
13 arrangement under this section, it shall, before the execution and delivery of the contract documents  
14 for such public-private partnership arrangement, file a copy of such documents with the Secretary of  
15 State. The Secretary of State must file and index such filing in a special book to be kept by such officer  
16 for such purpose. The Secretary of State is authorized to prepare and deliver certified copies of the  
17 documents as filed and to deliver them to interested parties. For each such certification a reasonable  
18 fee may be charged. No action may be commenced on account of the validity of a public-private  
19 partnership arrangement after the expiration of twenty days from the date of the filing and indexing of  
20 the proposed contract documents for the public-private partnership arrangement with the Secretary of  
21 State. The period within which such actions may be commenced shall not begin to run until such records  
22 have been filed as prescribed in this section.

23  
24 SECTION 38. Section 12-28-2740 of the S.C. Code is amended to read:

25  
26 Section 12-28-2740. (A) The proceeds ~~from two and sixty-six three and ninety-nine~~ one-hundredths  
27 cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be  
28 deposited with the State Treasurer and expended for purposes set forth in this section. The monies must  
29 be apportioned among the counties of the State in the following manner:

30 (1) one-third distributed in the ratio which the land area of the county bears to the total land area  
31 of the State;

32 (2) one-third distributed in the ratio which the population of the county bears to the total population  
33 of the State as shown by the latest official decennial census;

34 (3) one-third distributed in the ratio which the mileage of all rural roads in the county bears to the  
35 total rural road mileage in the State as shown by the latest official records of the Department of  
36 Transportation. The Department of Revenue shall collect the information required pursuant to Section

1 12-28-1390 regarding the number of gallons sold in each county for use in making allocations of donor  
2 funds as provided in subsection (H). The Department of Revenue shall submit the percentage of the  
3 total represented by each county to the Department of Transportation and to each county transportation  
4 committee annually by May first of the following calendar year. Upon request of a county  
5 transportation committee, the Department of Transportation shall continue to administer the funds  
6 allocated to the county.

7 All interest earnings on the County Transportation Fund in the State Treasury must be added to the  
8 distribution to counties under this section in proportion to each county's portion of the entire County  
9 Transportation Fund. Except for those funds being used in connection with highway projects  
10 administered by the Department of Transportation on behalf of counties administering their own "C"  
11 funds, these distributions of earnings and the calculation required to determine the appropriate amount  
12 shall not include those counties administering their own "C" funds.

13 (B)(1) The funds expended must be approved by and used in furtherance of a countywide  
14 transportation plan adopted by a county transportation committee.

15 (2) The county transportation committee must be appointed by the county legislative delegation  
16 and must be made up of fair representation from municipalities and unincorporated areas of the county,  
17 but all members must be a resident of the county. The legislative delegation shall notify the Department  
18 of Transportation of appointments to the county transportation committee within thirty days of the  
19 appointment. The Department of Transportation shall publish a register on its website of members of  
20 each respective county transportation committee.

21 (3) The countywide transportation plan shall list the criteria by which projects must be selected by  
22 the county transportation committee. The criteria shall include, but are not limited to, the condition of  
23 state and local highway roads and bridges, safety, efficient traffic operations, and economic  
24 development. The plan must be updated at least every four years. Expenses related to preparing a plan  
25 may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation  
26 from making project recommendations to the county transportation committee.

27 (4) County transportation committees may join in approving a regional transportation plan, and  
28 the funds must be used in furtherance of the regional transportation plan. The regional transportation  
29 plan must be updated every four years. Expenses related to preparing a plan may be incurred from "C"  
30 funds. This subsection does not prohibit the county legislative delegation from making project  
31 recommendations to the county transportation committee.

32 (5) A county transportation committee may expend from the funds allocated under this section an  
33 amount not to exceed ~~two~~ ten thousand dollars for reasonable administrative expenses directly related  
34 to the activities of the committee. Administrative expenses may include costs associated with copying,  
35 mailings, public notices, correspondence, and recordkeeping but do not include the payment of per  
36 diem or salaries for members of the committee.

1 (6) A county transportation committee shall comply with notice requirements pursuant to Section  
2 30-4-80. The agenda must include the proposed actions of the county transportation committee and  
3 include the requested amount of “C” funds to be allocated.

4 (7) A county transportation committee shall comply with the minutes requirements set forth in  
5 Section 30-4-90. The minutes shall include the final amount of “C” funds allocated to each recipient.

6 (8) A county transportation committee must meet at least twice annually.

7 (C) At least twenty-five percent of a county’s apportionment of “C” funds, based on a biennial  
8 averaging of expenditures, must be expended on the state highway system for construction,  
9 improvements, and maintenance. The Secretary of Transportation, or his designee, must approve the  
10 proposed expenditure based on the anticipated improvement to the existing condition and operations  
11 of the state highway system. The Department of Transportation shall administer all funds expended on  
12 the state highway system unless the department has given explicit authority to a county or municipal  
13 government or other agent acting on behalf of the county transportation committee to design, engineer,  
14 construct, and inspect projects using their own personnel. The county transportation committee, at its  
15 discretion, may expend up to seventy-five percent of “C” construction funds for activities including  
16 other local paving or improving county roads, for street and traffic signs, and for other road and bridge  
17 projects.

18 (D) The funds allocated to the county also may be used to issue county bonds or state highway bonds  
19 as provided in subsection (J), pay directly for appropriate highway projects, including engineering,  
20 contracting, and project supervision, and match federal funds available for appropriate projects.  
21 Beginning July 1, 2002, for any new “C” fund allocations received on or after this date, the balance of  
22 uncommitted funds carried forward from one year into the next may not exceed three hundred percent  
23 of the county’s total apportionment for the most recent year. Expenditures must be documented on a  
24 per-project basis upon the completion of each project in reports to the respective county transportation  
25 committees. This documentation must be provided by the agency or local government actually  
26 expending the funds and it shall include a description of the completed project and a general accounting  
27 of all expenditures made in connection with the project summaries of these reports then must be  
28 forwarded by each county transportation committee to the department using guidelines established by  
29 the department and the department shall compile these reports into an annual statewide report to be  
30 submitted to the General Assembly by the second Tuesday of January of each year. The documentation  
31 and reporting requirements of this subsection apply only to counties administering their own “C” funds.  
32 For purposes of this section, “uncommitted funds” means funds held in the county’s “C” fund account  
33 that have not been designated for specific projects.

34 (E) All unexpended “C” funds allocated to a county remain in the account allocated to the county for  
35 the succeeding fiscal year and must be expended as provided in this section.

36 (F) The countywide and regional transportation plans provided for in this section must be reviewed

1 and approved by the Department of Transportation and the Coordinating Council for Transportation  
2 and Mobility. Before the expenditure of funds by a county transportation committee, the committee  
3 shall adopt specifications for local road projects. In counties electing to expend their allocation directly  
4 pursuant to subsection (A), specifications of roads built with “C” funds are to be established by the  
5 countywide or regional transportation committee. In counties in which the county transportation  
6 committee elects to have “C” funds administered by the Department of Transportation, primary and  
7 secondary roads built using “C” funds must meet Department of Transportation specifications.

8 (G) This section must not be construed as affecting the plans and implementation of plans for a  
9 Statewide Surface Transportation System as developed by the Department of Transportation.

10 (H)(1) For purposes of this subsection, “donor county” means a county that contributes to the “C”  
11 fund an amount in excess of what it receives under the allocation formula as stated in subsection (A).  
12 In addition to the allocation to the counties pursuant to subsection (A), the Department of  
13 Transportation annually shall transfer to the donor counties an amount equal to seventeen million  
14 dollars in the ratio of the individual donor county’s contribution in excess of “C” fund revenue allocated  
15 to the county under subsection (A) to the total excess contributions of all donor counties.

16 (2) A county is eligible for an additional allocation from the Department of Transportation if the  
17 county contributed to the “C” fund an amount in excess of what it receives under the allocation formula  
18 as stated in subsection (A) plus what it receives under item (1). The Department of Transportation  
19 annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the  
20 ratio of the individual eligible county’s contribution to the “C” fund in excess of the eligible county’s  
21 total allocations under subsection (A) and item (1) to the total excess contributions of all eligible  
22 counties remaining after all allocations under subsection (A) and item (1) have been made. Under no  
23 circumstances can an allocation under this item result in an eligible county receiving total allocations  
24 in excess of what the county contributed to the “C” fund.

25 (I)(1) In expending funds pursuant to this section, counties that administer their own “C” funds shall  
26 use a procurement system that requires competitive sealed bids, no bid preferences not required by state  
27 or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred  
28 thousand dollars must be accompanied by certified bid bonds, and all work awarded under the contracts  
29 must be covered by performance and payment bonds for one hundred percent of the contract value. Bid  
30 summaries must be published in a newspaper of general distribution following each award.

31 (2) The requirement of a bond for bid security or a bond for payment and performance may not  
32 include the requirement that the surety bond be furnished by a particular surety company or through a  
33 particular agent or broker.

34 (J) State highway bonds may be issued for the completion of projects for which “C” funds may be  
35 expended for projects as determined by the county transportation committee. ~~The applicable source for~~  
36 ~~payment of principal and interest on the bonds is the share of “C” fund revenues available for use by~~

1 ~~the county transportation committee.~~ The application for the bonds must be filed by the county  
2 transportation committee with the ~~Commission of the~~ Department of Transportation and the State  
3 Treasurer, ~~which shall forward the application to the State Fiscal Accountability Authority.~~ The  
4 Department of Transportation shall review the request and ensure it includes the information and  
5 schedules required by Section 57-11-220 and that the estimated principal and interest on the proposed  
6 bonds may be met from such county's "C" funds. If the Secretary of Transportation, finds that such  
7 request, as submitted or as supplemented by the department, includes the required information,  
8 demonstrates that available "C" funds will satisfy estimated principal and interest on the proposed  
9 bonds, and does not unreasonably impact the published plans of the Department of Transportation, the  
10 Secretary of Transportation shall submit such request for state highway bonds to the State Fiscal  
11 Accountability Authority. The State Fiscal Accountability Authority shall consider the application in  
12 the same manner that it considers state highway bonds, mutatis mutandis. The county transportation  
13 committee shall allocate and apply from its share of "C" fund revenues available for use by the county  
14 transportation committee the amount of principal and interest on the state highway bonds. The  
15 department shall provide notice of the debt service requirements of such state highway bonds upon the  
16 issuance thereof to the county transportation committee.

17 (K) Members of the committee are insulated from all personal liability arising out of matters related  
18 directly to and within the scope of the performance of official duties and functions conferred upon the  
19 committee pursuant to this section.

20 (L) In Berkeley County, appointments made pursuant to this section are governed by the provisions  
21 of Act 159 of 1995.

22 (M) In Dorchester County, appointments made pursuant to this section are governed by the  
23 provisions of Act 512 of 1996. In addition to the members and appointment procedures of the  
24 Dorchester County Transportation Committee as provided by this section and subsection, two  
25 additional members of the county transportation committee must be appointed from that portion of the  
26 Town of Summerville in Dorchester County and that portion of the City of North Charleston in  
27 Dorchester County. These members must be residents of the designated municipalities and of the  
28 county, and notwithstanding another provision of this subsection, must be appointed by the governing  
29 body of the respective municipality.

30 (N) In Georgetown County, appointments made pursuant to this section are governed by the  
31 provisions of Act 515 of 1996 and Section 2, Act 141 of 2001.

32 (O) Notwithstanding other provisions of this section, the legislative delegation of a county may by  
33 delegation resolution abolish the county transportation committee and devolve its powers and duties  
34 on the governing body of the county. This devolution may be reversed and the county transportation  
35 committee reestablished by a subsequent delegation resolution. The exercise of county transportation  
36 committee powers and duties by a county governing body is not deemed to constitute dual office

1 holding.

2 (P) The Department of Transportation shall perform reviews to ensure compliance with subsections  
3 (B)(3) and (4), (C), (D), (F), and (I). A county failing to comply with these subsections must have all  
4 subsequent “C” fund allocations withheld until the requirements of those subsections are met. If a  
5 county fails to comply with those subsections within twenty-four months, the county forfeits fifty  
6 percent of its allocations for the following year and the forfeited amount must be divided among the  
7 other counties as provided in subsection (A).

8 (Q) A county subject to a proposed withholding or forfeiture of “C” fund allocations pursuant to this  
9 section must be notified in writing of the department’s decision. The county, within sixty days of receipt  
10 of notice of the decision, may request a review of the decision by a panel consisting of the state highway  
11 engineer or his designee, the chairman of the affected county’s transportation committee or his  
12 designee, and a third person named by mutual agreement between the state highway engineer and the  
13 county transportation committee chairman. The panel shall meet and render a decision within ninety  
14 days of the request by the county transportation committee. The decision of the panel may be appealed  
15 by requesting a contested case hearing before the Administrative Law Court pursuant to Section  
16 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must  
17 be made within thirty days of receipt of the panel’s decision.

18 (R) The legislative delegation of the county, by resolution, may rename the county transportation  
19 committee established by this section as the (insert name of county) Legislative Delegation  
20 transportation committee. Upon the adoption of such a resolution, all references in this section and any  
21 other provisions of law to the county transportation committee, for purposes of that county, are deemed  
22 references to that county’s legislative delegation transportation committee.

23 ~~—(S) Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter~~  
24 ~~until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this~~  
25 ~~chapter that must be deposited with the State Treasurer and expended for the purposes of this section~~  
26 ~~must be increased by .3325 cents a gallon, until such time as the total amount equals three and~~  
27 ~~ninety-nine one-hundredths cents a gallon. Any increase in proceeds resulting from the provisions of~~  
28 ~~this subsection must be used exclusively for repairs, maintenance, and improvements to the state~~  
29 ~~highway system.~~

30 (S) It is unlawful for a member of a county transportation committee, an engineer, agent, or other  
31 employee, acting for or on behalf of a committee, to accept or agree to accept, receive or agree to  
32 receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on  
33 any question, matter, cause, or proceeding which at the time may be pending or which by law may be  
34 brought before him in his official capacity or in his place of trust or profit influenced, any:

35 \_\_\_\_\_ (1) money;

36 \_\_\_\_\_ (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or

1 for the delivery or conveyance of anything of value;

2 (3) political appointment or influence, present, or reward;

3 (4) employment; or

4 (5) other thing of value.

5 A person violating the provisions of subsection is guilty of a felony and, upon conviction, must be  
6 imprisoned not more than five years and is disqualified forever from holding any office of trust or profit  
7 under the Constitution or laws of this State.

8 (T) Any official or employee of a county transportation committee is subject to the provisions of  
9 Chapter 13, Title 8, the State Ethics Act.

10  
11 SECTION 39. Section 12-28-2920 of the S.C. Code is amended to read:

12  
13 Section 12-28-2920. The department shall review projects for the possibility of constructing toll  
14 roads to defray the cost of these projects pursuant to the authority granted the department in ~~Section~~  
15 ~~57-5-1330~~ Article 9, Chapter 5, Title 57 and Section 57-3-205. No project may be funded in whole or  
16 in part by means of imposing a toll on the users of the project unless ~~in conjunction with federal funds~~  
17 ~~authorized for use on toll roads~~ it is determined to be substantially feasible by the department taking  
18 into account all funding sources. The funds derived from tolls must be:

19 (1) credited to the State Highway Fund; ~~or~~

20 (2) retained and applied by the entity or entities developing the toll road pursuant to an agreement  
21 authorized under Section 57-3-200 or Section 57-3-205 for the purpose of funding the cost of  
22 construction, financing, operation, and maintenance of the toll project; ~~or~~

23 ~~(2)(3)~~ (3) used to service bonded indebtedness for highway transportation purposes incurred pursuant to  
24 Paragraph 9, Section 13, Article X of the South Carolina Constitution; or

25 (4) used to pay the operation and maintenance costs of the toll project.

26 ~~Upon repayment of the cost of construction and financing, toll charges shall cease.~~

27  
28 SECTION 40. Section 56-3-645 of the S.C. Code is amended to read:

29  
30 Section 56-3-645. (A) In addition to the registration fees imposed by this chapter, the owner of  
31 motor vehicles that are powered:

32 (1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section  
33 12-28-110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a  
34 biennial ~~road use~~ alternative fuel fee of ~~one four hundred twenty~~ one hundred twenty dollars; and

35 (2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title  
36 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees

1 imposed by Chapter 28, Title 12 shall pay a biennial ~~road-use~~alternative fuel fee of ~~sixty-two~~ hundred  
2 dollars.

3 (B)(1) Notwithstanding the fee schedule set forth in subsection (A), the owner of any motor vehicle  
4 set forth in this subsection must pay an increased fee based on the gross vehicle weight of the registered  
5 vehicle.

6 (2) If a motor vehicle subject to the fee set forth in subsection (A) has a declared gross weight  
7 pursuant to Section 56-3-660, of at least 11,001 pounds the applicable alternative fuel fee must be  
8 increased by ten percent. Further, for each gross vehicle weight range the motor vehicle exceeds the  
9 gross vehicle weight range pursuant to Section 56-3-660(B)(9), the applicable alternative fuel fee must  
10 be increased by another ten percent.

11 (3) Commercial motor vehicles powered by alternative fuels that participate in the international  
12 registration plan or international fuel tax agreement are exempt from the fee imposed pursuant to this  
13 subsection.

14 (C) Beginning October 1, 2030, and every four years thereafter, the Revenue and Fiscal Affairs  
15 Office shall adjust the amount of fees charged pursuant to subsection (A) based on the average change  
16 in the Consumer Price Index for All Urban Customers as published by the Bureau of Labor Statistics  
17 of the United States Department of Labor from the most previous review. The adjustment may be either  
18 upward or downward in accordance with the Consumer Price Index. The office must report the new fee  
19 to the Department of Motor Vehicles no later than October fifteenth of the appropriate year. The  
20 Department of Motor Vehicles must apply the revised fee amount to vehicles subject to the fee  
21 beginning with those required for registration in January of the next calendar year and conspicuously  
22 post the new fee on its official agency website.

23 ~~(B)(D)~~ All of the fees collected pursuant to this section must be credited to the ~~Infrastructure~~  
24 ~~Maintenance Trust~~ State Highway Fund.

25 ~~(C)(E)~~ The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject  
26 to the fee is ~~titled or~~ registered. If any motor vehicle subject to the fee set forth in subsection (A)  
27 registers for a time other than biennially, the Department of Motor Vehicles must prorate the applicable  
28 fee to align with the applicable registration period.

29  
30 SECTION 41. Article 3, Chapter 28, Title 12 of the S.C. Code is amended by adding:

31  
32 Section 12-28-360. (A) In addition to the taxes pursuant to Sections 12-36-910 and 12-36-1110, a  
33 user fee of four-and-one-half-cents per kilowatt-hour is imposed on electricity consumed when using  
34 publicly accessible electric vehicle charging stations pursuant to Section 58-27-1060. The payment of  
35 the taxes and user fee is borne by the entity purchasing the electricity from the electrical utility provider.  
36 The entity purchasing the electricity must remit the fee in accordance with the South Carolina Sales

1 and Use Tax Act.

2 (B) Beginning October 1, 2030, and every four years thereafter, the Revenue and Fiscal Affairs  
3 Office must adjust the user-fee charged pursuant to subsection (A) according to the average change in  
4 the Consumer Price Index for All Urban Customers as published by the Bureau of Labor Statistics of  
5 the United States Department of Labor from the most previous review to October first. The adjustment  
6 may be either upward or downward in accordance with the Consumer Price Index. The office must  
7 report the new fee to the Department of Revenue no later than October fifteenth of the appropriate year.  
8 The Department of Revenue must collect the revised fee amount beginning January first of the next  
9 calendar year.

10 (C) When using a publicly accessible charging station, monies collected pursuant to Sections  
11 12-36-910 and 12-36-1110 and the user fee imposed in this section must be credited to the State  
12 Highway Fund established in Section 57-11-20.

13  
14 SECTION 42. Section 57-11-210 of the S.C. Code is amended by adding:

15  
16 (11) "Alternative fuel fees" means those charges imposed pursuant to Sections 56-3-645 and  
17 12-28-320.

18  
19 SECTION 43. The General Assembly finds that the sections presented in this act constitute one subject  
20 as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each  
21 change and each topic relates directly to or in conjunction with other sections to the subject of  
22 improving the state's transportation system, as clearly enumerated in the title. The General Assembly  
23 further finds that a common purpose or relationship exists among the sections, representing a potential  
24 plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying  
25 more than one topic contained in the act.

26  
27 SECTION 44. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of  
28 this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the  
29 constitutionality or validity of the remaining portions of this act, the General Assembly hereby  
30 declaring that it would have passed this act, and each and every section, subsection, paragraph,  
31 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more  
32 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof  
33 may be declared to be unconstitutional, invalid, or otherwise ineffective.

34  
35 SECTION 45. This act takes effect July 1, 2027.

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