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AMENDED

May 26, 2010

**S. 1298**

Introduced by Senator McGill

S. Printed 5/26/10--H.

Read the first time April 29, 2010.

**A** **BILL**

TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

Amend Title To Conform

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

SECTION 1. Section 56‑5‑70 of the 1976 Code is amended to read:

“Section 56‑5‑70. (A) Notwithstanding any provision of this chapter or any other provision of law, during a state of emergency declared by the Governor and for thirty days thereafter, requirements relating to registration, permitting, length, width, weight, load, and time of service are suspended for commercial and utility vehicles that do not exceed a gross weight of ninety thousand pounds and a width of twelve feet responding to the state of emergency. All vehicles operated upon the public highways of this State under the authority of this section must:

(1) be operated in a safe manner;

(2) maintain required limits of insurance;

(3) be clearly identified as a utility vehicle or provide appropriate documentation indicating it is a commercial vehicle responding to the emergency.

(B) When an emergency is declared which triggers relief from regulations pursuant to 49 CFR 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 CFR 390.23(a)(1)(A), must be declared in this State by the Governor.

(C) A declaration of emergency in this State, as described in subsection (B), must not be terminated prior to the termination of the declarations of emergencies in North Carolina and Georgia or the thirtieth day after the initial declaration of emergency in this State, whichever is less.

(D) A declaration of emergency in this State that triggers relief from regulations pursuant to 49 CFR 390.23 must be effective for no less than fourteen days prior to its termination. Unless the initial declaration of emergency contains a termination date, the order may not be terminated until the passage of seven days after notification of the date of termination is issued or the passage of thirty days after the initial declaration of the emergency, whichever is less. If termination of the declaration of emergency is to occur prior to the passage of thirty days after the initial declaration of emergency, the declaration of emergency must be terminated at 11:59 p.m. on a Friday.”

(E) Only when an emergency is declared which triggers the provisions of this section may speed or traffic cameras be used. A person who receives a ticket pursuant to a violation of traffic laws captured on speed or traffic cameras must be served in person with notice of the violation. Revenue collected pursuant to a violation of this section must be deposited in the general fund.

SECTION 2. Section 56‑3‑115 of the 1976 Code is amended to read:

“Section 56‑3‑115. The owner of a vehicle commonly known as a golf cart, if he has a valid driver’s license, may obtain a permit from the Department of Motor Vehicles upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

(1) operate the golf cart on a secondary highway or street within two miles of his residence or place of business during daylight hours only. When the owner’s residence is located within a gated community the two‑mile limit must be measured from the community’s primary entrance; ~~and~~

(2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours only; and

(3) operate a golf cart along a secondary highway or street on a sea island whose total area is greater than seven square miles, but less than ten square miles. As contained in this section, ‘gated community’ means any homeowners’ community with at least one controlled access ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance. A golf cart may cross a secondary highway whose maximum speed limit is at least forty‑five miles an hour only at the location of a traffic control device.”

SECTION 3. Section 56‑3‑115 of the 1976 Code, as last amended by Act 333 of 2003, is further amended to read:

“Section 56-3-115. (A) The owner of a vehicle commonly known as a golf cart, if he has a valid driver’s license, may obtain a permit from the Department of Motor Vehicles upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

(1) operate the golf cart on a secondary highway or street within ~~two~~ five miles of his residence or place of business during daylight hours only; and

(2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours only.

(B) Notwithstanding the provisions of subsection (A)(1), if an emergency is declared which triggers relief from regulations pursuant to 49 CFR 390.23 in North Carolina or Georgia, and an emergency, as referenced in the regional emergency provision of 49 CFR 390.23(a)(1)(A), is declared in this State by the Governor, then a person may only operate a golf cart on a secondary highway or street within two miles of the person’s residence or place of business during daylight hours only.”

SECTION 4. This act takes effect upon approval by the Governor.

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