~~Indicates Matter Stricken~~

Indicates New Matter

HOUSE AMENDMENTS AMENDED

June 2, 2010

**S. 1298**

Introduced by Senator McGill

S. Printed 6/2/10--S.

Read the first time March 18, 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) Citations for violating traffic laws relating to speeding or disregarding traffic control devices based solely on photographic evidence may only be issued for violations that occur while relief from regulations pursuant to 49 CFR 390.23 has been granted due to an emergency. A person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based solely on photographic evidence must be served in person with notice of the violation within one hour of the occurrence of the violation. The provisions of this subsection do not apply to toll collection enforcement.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑