~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 30, 2011

**H. 3731**

Introduced by Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R.L. Brown, Crosby, Long, Taylor and Willis

S. Printed 3/30/11--H.

Read the first time February 23, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3731) to amend Section 56‑27‑30, Code of Laws of South Carolina, 1976, relating to the term and cost of a professional housemoving license, so as to revise, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

S.C. Department of Transportation

SCDOT indicates that no additional expenditures or savings is expected with the passage of this bill.

**SPECIAL NOTES:**

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this bill.

*Approved By:*

Harry Bell

Office of State Budget

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**REVENUE IMPACT** 1/

This bill is expected to raise restricted funds of the State Highway Fund within the Department of Transportation (DOT) by $32,000 in FY 2011-12. The bill would not impact general fund revenue.

**Explanation**

This bill authorizes the DOT to charge a new impact fee on the entire gross vehicle weight for transporting loads in excess of 500,000 pounds in this State. This Additional Megaload Impact Fee would be set at a rate of five cents ($.05) per 1,000 pounds (lbs.) per mile traveled. All proceeds from this new fee would be allocated to the State Highway Fund within DOT. The bill also amends language in Section 56-27-30 to conform an obsolete fee reference to the $100 fee for an annual House Moving License in effect since July 1, 2008 under Section 57-3-130.

According to records maintained by the DOT, an average of seven loads annually would apply to the new “megaload fee” to transport loads in excess of 500,000 pounds. Based on an average load of 816,285 pounds for an average distance traveled of 112 miles, we estimate a total gross weight of approximately 5,714,000 pounds would be subject to the megaload fee of five cents per 1,000 lbs. per mile in FY 2011-12. Thus, multiplying 5,714 X $.05 X 112 = $31,998, as rounded to $32,000. This bill therefore is expected to raise restricted funds of the State Highway Fund within the DOT by $32,000 in FY 2011-12. Since the megaload fee is allotted in full to agency restricted funds, it would not impact state general fund revenue in FY 2011-12.

*Approved By:*

William C. Gillespie

Board of Economic Advisors

1/ This statement meets the requirement of Section 2-7-71 for a state revenue impact by the BEA, or Section 2-7-76 for a local revenue impact or Section 6-1-85(B) for an estimate of the shift in local property tax incidence by the Office of Economic Research.

**A** **BILL**

TO AMEND SECTION 56‑27‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57‑3‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION’S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

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

SECTION 1. Section 56‑27‑30 of the 1976 Code is amended to read:

“Section 56‑27‑30. A license issued under the provisions of this chapter is effective for a period of one year from the date of issuance and is renewable on an annual basis. The annual and renewal fee for the license is ~~twenty‑five dollars~~ contained in Section 57‑3‑130. All persons issued licenses under the provisions of this chapter are required to carry the license on their persons at all times when engaged in the profession of housemoving on the roads and highways of this State.”

SECTION 2. Section 57‑3‑130(A) and (B) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(A) Subject to the conditions prescribed in subsection (B), the Department of Transportation, in its discretion upon application in writing and good cause being shown that it is in the public interest, may issue special permits authorizing the applicants to operate or move vehicles or combinations of vehicles of a size and weight of vehicle or load exceeding the maximum specified in Article 33, Chapter 5 ~~of~~, Title 56 or otherwise not in conformity with the article upon a state highway. The application for the permit specifically must describe the vehicle and load to be operated or moved and the particular highways for which a permit to operate is requested. A permit must be carried in the vehicle or combination of vehicles to which it refers and must be open to inspection by a police officer or an authorized agent of the authority granting the permit. No person may violate the terms or conditions of the special permit. Fees collected pursuant to this section must be placed in the state highway fund and used for defraying the cost of issuing and administering the permits and for other highway purposes. The department may charge the following rates for oversize or overweight permits and licenses:

Single Trip $30.00

Excessive Width Over 16 feet $35.00

Excessive Width Over 18 feet $40.00

Excessive Width Over 20 feet $45.00

Excessive Width Over 22 feet $50.00

Multiple Trip (Annual) $ 100.00

House Moving License (Annual) $ 100.00

Superload Application (Non”Refundable) $ 100.00

Superload Engineer Analysis Over 130,000 pounds $ 100.00

Superload Engineer Analysis Over 200,000 pounds $ 200.00

Superload Engineer Analysis Over 300,000 pounds $ 350.00

Superload Impact Fee for Loads Over

130,000 pounds $3.00/1,000 pounds

Administration Fee for Prorating

Active Annual Permits $10.00

Administration Fee for Road Machinery Permits $10.00

Additional Megaload Impact Fee for Loads

Over 500,000 pounds $ .05/1000 lbs/mile

(B)(1) The Department of Transportation may exercise its discretion in issuing permits for the movement of all types of vehicles which exceed the legal size and weight limits, if the:

(a) load carried on the vehicle cannot be disassembled readily;

(b) movements are made so as not to damage the highways nor unduly interfere with highway traffic.

(2) The Department of Transportation may limit or prescribe the conditions of operation of the vehicles provided for in item (1) and may require insurance or other security it considers necessary.

(3) The following are general provisions applicable to all oversize and overweight loads:

(a) The granting of a permit does not constitute a waiver of the license requirements imposed by South Carolina, does not waive the liability or responsibility of the applicant which might accrue for property damage, including damage to the highways, or for personal injuries, and does not exempt the applicant from compliance with the ordinances, rules, and regulations of a municipality.

(b) Before granting a permit, the Department of Transportation, at its discretion, may require the vehicle owner or operator to furnish a certificate showing the amount of public liability and property damage insurance carried.

(c) All vehicles shall meet the requirements of all applicable laws and regulations.

(d) Overwidth loads or mobile homes must be moved over sections of highways selected by the Department of Transportation.

(e) The Department of Transportation ~~shall~~ may determine the ~~speeds~~ maximum speeds at which permitted loads are to operate ~~under~~.

(f) The driver shall remove the towing vehicle along with the load or mobile home from the traveled way to allow closely following traffic, five vehicles maximum, to pass and proceed. For any load traveling under police escort, this must be done at the discretion of the escort officer.

(4) Applications for overweight and oversize permits must be submitted on forms provided by the Department of Transportation and must include all the necessary information required. Each application must be accompanied by the permit fee before it may be issued. The permit fee accompanying an application that is rejected must be returned to the person or company named within the application.

(5) Special oversize and overweight trip permits for movement of vehicles or combinations of vehicles with individual loads on them in excess of the maximum sizes and weights allowed must receive special consideration by and have prior approval of the Department of Transportation before any part of the move to be undertaken. For loads exceeding five hundred thousand pounds, there is an additional megaload impact fee assessed on the entire gross vehicle weight on a pounds per mile basis as provided in the permits and licenses rates table contained in subsection (A).

(6) The State reserves the right to recall or not issue permits in accordance with the limitations provided in this section if there is an abuse of the permit or the permit would cause an unnecessary amount of disruption in the normal traffic flow.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑