**South Carolina General Assembly**

120th Session, 2013-2014

**A189, R213, S560**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

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Introduced in the Senate on March 21, 2013

Introduced in the House on March 10, 2014

Last Amended on March 6, 2014

Passed by the General Assembly on May 29, 2014

Governor's Action: June 2, 2014, Signed

Summary: Railroad or electric railway

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/21/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\03-21-13.docx))

3/21/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///H:\SJ%20Archive\2013\03-21-13.docx))

3/27/2013 Senate Referred to Subcommittee: Hutto (ch), Corbin, Young

2/19/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 14](file:///H:\SJ%20Archive\2014\02-19-14.docx))

2/26/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 26](file:///H:\SJ%20Archive\2014\02-26-14.docx))

2/26/2014 Senate Amended ([Senate Journal‑page 26](file:///H:\SJ%20Archive\2014\02-26-14.docx))

2/26/2014 Senate Read second time ([Senate Journal‑page 26](file:///H:\SJ%20Archive\2014\02-26-14.docx))

2/26/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 26](file:///H:\SJ%20Archive\2014\02-26-14.docx))

3/6/2014 Senate Amended ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-06-14.docx))

3/6/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-06-14.docx))

3/6/2014 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-06-14.docx))

3/10/2014 House Introduced and read first time ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\03-10-14.docx))

3/10/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\03-10-14.docx))

3/10/2014 Scrivener's error corrected

5/22/2014 House Recalled from Committee on **Judiciary** ([House Journal‑page 23](file:///H:\HJ%20Archive\2014\05-22-14.docx))

5/28/2014 House Read second time

5/28/2014 House Roll call Yeas‑97 Nays‑0

5/29/2014 House Read third time and enrolled ([House Journal‑page 22](file:///H:\HJ%20Archive\2014\05-29-14.docx))

5/29/2014 Ratified R 213

6/2/2014 Signed By Governor

6/6/2014 Effective date 06/02/14

6/10/2014 Act No. 189

**VERSIONS OF THIS BILL**

[3/21/2013](file:///p:\pprever\2013-14\560_20130321.docx)

[2/19/2014](file:///p:\pprever\2013-14\560_20140219.docx)

[2/26/2014](file:///p:\pprever\2013-14\560_20140226.docx)

[3/6/2014](file:///p:\pprever\2013-14\560_20140306.docx)

[3/10/2014](file:///p:\pprever\2013-14\560_20140310.docx)

[5/22/2014](file:///p:\pprever\2013-14\560_20140522.docx)

(A189, R213, S560)

**AN ACT** **TO AMEND SECTION 58‑15‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WILFULL AND MALICIOUS INJURY TO A RAILROAD OR ELECTRIC RAILWAY, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO WILFULLY AND MALICIOUSLY CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE A RAILROAD OR ELECTRIC RAILWAY, INCLUDING ANYTHING APPERTAINING TO THE RAILROAD OR ELECTRIC RAILWAY OR ANY MATERIAL OR INSTRUMENT FOR THE CONSTRUCTION OF THE RAILROAD OR ELECTRIC RAILWAY, TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS INCLUDING THOSE VIOLATIONS WHERE SPECIFIED CIRCUMSTANCES ARE PRESENT, AND TO ALSO PROVIDE THAT EXCEPT IN THE CASE OF AN ELECTRIC RAILWAY, THE PERSON COMMITTING THE VIOLATION SHALL FORFEIT TO THE RAILROAD COMPANY FOR EACH OFFENSE TREBLE THE DAMAGES PROVED TO HAVE BEEN SUSTAINED TO BE RECOVERED IN A TORT ACTION IN THE RAILROAD COMPANY’S NAME; AND BY ADDING SECTION 58‑15‑875 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PURCHASE, SELL, OR TRANSPORT RAILROAD TRACK MATERIALS FOR THE PURPOSE OF RECYCLING, TO REQUIRE A SPECIFIED METHOD OF PAYMENT FOR RAILROAD TRACK MATERIALS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS.**

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

**Injury to railroad or electric railway, penalties**

SECTION 1. Section 58‑15‑870 of the 1976 Code is amended to read:

“Section 58‑15‑870. (A) It is unlawful for a person to wilfully and maliciously cut, mutilate, deface, or otherwise injure a railroad or electric railway, including anything appertaining to the railroad or electric railway or any material or instrument for the construction of the railroad or electric railway.

(B) A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars, or imprisoned not more than five years, or both.

(C) A person who violates this section resulting in the endangerment of another person’s life or great bodily injury to another person is guilty of a felony, and, upon conviction, must be imprisoned not more than twenty years. ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(D) A person who violates this section resulting in the death of another person is guilty of a felony, and, upon conviction, must be imprisoned not more than thirty years.

(E) In addition to the penalties provided by subsections (B), (C), and (D), except in the case of an electric railway, the person shall forfeit to the railroad company for each offense treble the damages proved to have been sustained to be recovered in a tort action in the railroad company’s name.”

**Purchase, sell, or transport unlawful, method of payment, penalties**

SECTION 2. Article 9, Chapter 15, Title 58 of the 1976 Code is amended by adding:

“Section 58‑15‑875. (A) It is unlawful to purchase, sell, or transport railroad track materials for the purpose of recycling.

(B) This section does not apply to:

(1) a railroad company or a railroad company’s authorized agent;

(2) a business that owns a railroad spur;

(3) an independent railroad contractor; or

(4) a person or business with a letter of authorization from a special agent of a railroad company class 1 or shortline. An entity removing or authorizing the removal of railroad track materials from private property must obtain a letter of authorization from the railroad company servicing the property.

(C) Payment for railroad track materials only must be made to the railroad company or the company’s principals, the business that owns the railroad spur or the businesses’ principals, the independent railroad contractor or the contractor’s principals, or the person or business authorized by the railroad company or the businesses’ principals.

(D) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred and fifty dollars, or imprisoned not more than one year, or both;

(2) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars, or imprisoned not more than three years, or both; and

(3) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than one thousand dollars, or imprisoned not more than five years, or both.”

**Time effective**

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

Ratified the 29th day of May, 2014.

Approved the 2nd day of June, 2014.

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