~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 15, 2016

**H. 4394**

Introduced by Reps. Chumley, Burns and Yow

S. Printed 3/15/16--H.

Read the first time January 12, 2016.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4394) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑5‑1539 so as to provide that a driver of a motor vehicle approaching a, etc., respectfully

**REPORT:**

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

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

/SECTION 1. Section 56‑5‑1538(I)(1) of the 1976 Code is amended to read:

(1) “Authorized emergency vehicle” means any ambulance, police, fire, rescue, recovery, or towing vehicle authorized by this State, county, or municipality to respond to a traffic incident. A towing vehicle is deemed an “authorized emergency vehicle” pursuant to the provisions of this subsection regardless of whether it is present at the request of a law enforcement officer or otherwise.

SECTION 2. Article 11, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑1537. (A) The driver of a motor vehicle, upon approaching a vehicle stopped for the sole purpose of collecting solid waste or recovered materials as provided in Section 56‑5‑2510(C) shall:

(1) proceed with caution and, if possible, with due regard for safety and traffic conditions, yield the right of way by making a lane change into a lane that is not adjacent to the vehicle collecting solid waste or recovered materials along a highway that has at least four lanes with at least two intended for traffic proceeding in the direction of the approaching vehicle; or

(2) if a lane change pursuant to item (1) is not possible or is unsafe, slow the vehicle, proceed at a speed safe for highway conditions, and be prepared to stop until completely past the vehicle collecting solid waste or recovered materials.

(B) A person who violates the provisions of this section is guilty of the misdemeanor of endangering collection personnel and, upon conviction, must be fined not less than three hundred dollars and not more than five hundred dollars.

(C) The offense contained in this section is a separate offense and is in addition to any other offense for which the person may be convicted.”

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

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑1539 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE APPROACHING A WRECKER OR A TOW TRUCK THAT IS DISPLAYING WARNING SIGNALS MUST PROCEED WITH CAUTION AND, IF POSSIBLE, YIELD THE RIGHT OF WAY BY MAKING A LANE CHANGE INTO A LANE THAT IS NOT ADJACENT TO THE WRECKER OR TOW TRUCK, AND TO PROVIDE PENALTIES.

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

SECTION 1. Article 11, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑1539. (A) The driver of a motor vehicle, upon approaching a stationary wrecker or tow truck that is displaying a mounted flashing, oscillating, or blinking blue, red, or amber light shall:

(1) proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right of way by making a lane change into a lane that is not adjacent to the wrecker or tow truck along a highway that has at least four lanes with at least two intended for traffic proceeding in the direction of the approaching vehicle; or

(2) proceed with due caution and maintain a safe speed for highway conditions if changing lanes is impossible or unsafe.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days, or fined five hundred dollars, or both.”

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

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