COMMITTEE REPORT

February 15, 2018

**H. 3595**

Introduced by Reps. Thayer, Hardee, Ryhal, Hewitt, Clary, Hiott, V.S. Moss, Williams, Taylor, Hixon and Young

S. Printed 2/15/18--H.

Read the first time January 25, 2017.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3595) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑5‑1537 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. 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)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender’s motor vehicle insurer.

(2) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(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 2. This act takes effect upon approval by the Governor.”\

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Updated for Additional Agency Response on February 14, 2018**

**Introduced on January 25, 2017**

**State Expenditure**

This bill requires the driver of a motor vehicle to yield the right of way by making a lane change, slowing the vehicle, proceeding at a safe speed, or preparing to stop upon approaching a vehicle stopped for the sole purpose of collecting solid waste or recovered materials as provided in Section 56-5-2510(C). A person who is adjudicated to be in violation of the provisions of this section must be fined no more than $25, no part of which may be suspended. Court costs, assessments, or surcharges may not be assessed. A person may not be fined more than $50 for any one incident of one or more violations of the provisions of this bill. A violation of this bill does not constitute a criminal offense. Additionally, violations of this bill may not be included in the offender’s motor vehicle records maintained by DMV, included in criminal records maintained by the State Law Enforcement Division, or reported to the offender’s motor vehicle insurer. During the first 180 days after this section’s effective date, law enforcement officers must issue only warnings for violations of this section. This bill takes effect upon approval by the Governor.

DMV indicates that this bill specifies that violations stated in the bill must not be included in the offender’s motor vehicle records or reported to their insurance. Therefore, the bill will have no expenditure impact on the general fund, other funds, or federal funds. This section of the impact statement has been updated to include a response from DMV.

**State Revenue**

This bill imposes a $25 fine for individuals who fail to yield the right of way upon approaching a vehicle stopped for the sole purpose of collecting solid waste or recovered materials. Existing law distributes revenue generated from fines among the general fund, specified state agencies and programs, and local governments. Data is not available to estimate the number of fines that may result from this bill. However, we expect the increase in revenue to the general fund and other funds as a result of this bill will be minimal.

**Local Expenditure**

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The expenditure impact of this bill is pending, contingent upon a response from DMV.

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Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑1537 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE APPROACHING A VEHICLE COLLECTING SOLID WASTE OR RECOVERED MATERIALS, AS PROVIDED IN SECTION 56‑5‑2510, 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 VEHICLE COLLECTING SOLID WASTE OR RECOVERED MATERIALS, AND TO PROVIDE A PENALTY.

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 56‑5‑1537. (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 my 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)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty‑five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender’s motor vehicle insurer.

(2) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

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

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