



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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<b>Bill Number:</b>	H. 4835	Amended by House Education and Public Works on February 26, 2020
<b>Author:</b>	West	
<b>Subject:</b>	Driving on Right Half of Road	
<b>Requestor:</b>	House Education and Public Works	
<b>RFA Analyst(s):</b>	Gardner and Griffith	
<b>Impact Date:</b>	February 26, 2020	

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### **Fiscal Impact Summary**

The Department of Transportation (DOT) indicates the bill requires the agency to install 128 signs along interstate roadways to direct slower traffic to keep right. This would increase Other Funds expenditures of DOT by \$24,148 in FY 2020-21. Once installed, the signs can be maintained within DOT's existing authorizations.

This bill will increase General Fund expenditures of the Department of Motor Vehicles (DMV) by \$1,320 in FY 2020-21 for programming changes to its systems. Once completed, there will be no ongoing expenditure impact.

The Department of Public Safety reports this bill will have no expenditure impact because the agency will administer policies resulting from the bill with the use of existing staff and resources.

The state and local revenue impact is undetermined because there is no data available to estimate the amount of revenue that may be generated by a new offense.

### **Explanation of Fiscal Impact**

#### **Amended by House Education and Public Works on February 26, 2020**

#### **State Expenditure**

This bill as amended relates to the operation of a motor vehicle in the farthest left lane on a controlled access roadway having two or more lanes in each direction. It prohibits a driver from driving in the left most lane if the driver knows or reasonably should know that he is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This provision does not apply when a driver is operating a vehicle that is overtaking another vehicle driving in the same direction, when the driver of a tractor-trailer commercial motor vehicle is unable to move into the right lane safely due to other vehicles overtaking or passing his vehicle on the right, or when the driver of a vehicle requiring a commercial driver's license is unable to move into the right lane safely due to a highway grade or other vehicles overtaking or passing his vehicle on the right. A person violating this provision is guilty of a misdemeanor punishable by a fine of \$200 or imprisonment for not more than thirty days, as well as the assessment of two points against his motor vehicle operating record. The bill provides an exception to the penalty schedule when the person violating this provision is operating a vehicle requiring a commercial driver's license. In such instance, the driver may not be fined more than \$50 and will have no

points assessed against his driving record. The Department of Transportation is responsible for placing signage every thirty-five miles along the state's interstate roadways to direct slower traffic to move right. This bill takes effect 180 days after approval by the Governor.

**Department of Transportation.** This bill would require the department to install signage at least every thirty-five miles along interstate roadways to direct slower traffic to keep right. The cost to manufacture each sign is \$109.67 and the cost to install each sign is \$78.99, resulting in a total cost of \$188.66 per sign. The department estimates that there are 128 additional signs needed to meet the requirements of the bill. The total expenditure impact of the bill is \$24,148, which would be covered by the agency's Other Funds.

**Department of Public Safety.** This bill will have no expenditure impact on the Department of Public Safety because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Motor Vehicles.** DMV indicates that approximately 12 hours of programming are needed to add the violation to its systems. At \$110 per hour, this would increase agency expenditures by \$1,320.

### **State Revenue**

This bill creates the new offense of driving in the left-most lane on a roadway with two or more lanes heading in the same direction when the driver knows or reasonably should know that his vehicle is being overtaken in that lane by a motor vehicle traveling behind him at a higher rate of speed. The penalty for this offense is \$200. While there are other states that have similar laws in place, there is significant variability in the number of citations that have been issued in a given year, and there is a broad range of fines that may be assessed. For instance, in 2014, Rhode Island issued 40 citations having a fine of \$85 each. During the same year, Georgia issued more than 300 citations; in that state, however, the arresting officer has discretion in setting the fine, and the local jurisdiction has discretion in reducing the fine. (Note that the maximum penalty in Georgia is \$1,000 per violation plus the assessment of three points against a person's driving record.) Based on the variability between the number of citations that may be issued and the differences in allowable fines for each state having a similar law, the amount of state revenue that may be generated from the implementation of this bill is undetermined. The counties will retain a portion of the revenue generated by the assessment of these fines and must remit the remainder to the State Treasurer for appropriate distribution.

### **Local Expenditure**

N/A

### **Local Revenue**

This bill creates the new offense of driving in the left-most lane on a roadway with two or more lanes heading in the same direction when the driver knows or reasonably should know that his vehicle is being overtaken in that lane by a motor vehicle traveling behind him at a higher rate of speed. The penalty for this offense is \$200. While there are other states that have similar laws in place, there is significant variability in the number of citations that have been issued in a given year, and there is a broad range of fines that may be assessed. For instance, in 2014, Rhode

Island issued 40 citations having a fine of \$85 each. During the same year, Georgia issued more than 300 citations; in that state, however, the arresting officer has discretion in setting the fine, and the local jurisdiction has discretion in reducing the fine. (Note that the maximum penalty in Georgia is \$1,000 per violation plus the assessment of three points against a person's driving record.) Based on the variability between the number of citations that may be issued and the differences in allowable fines for each state having a similar law, the amount of local revenue that may be generated from the implementation of this bill is undetermined. The counties will retain a portion of the revenue generated by the assessment of these fines and must remit the remainder to the State Treasurer for appropriate distribution.

### **Introduced on January 14, 2020**

#### **State Expenditure**

This bill relates to the operation of a motor vehicle in the farthest left lane on a roadway having two or more lanes in each direction. It prohibits a driver from driving in the left most lane if the driver knows or reasonably should know that he is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This provision does not apply to a driver operating a vehicle that is overtaking another vehicle driving in the same direction or is preparing for a left hand turn at an intersection. A person violating this provision is guilty of a misdemeanor punishable by a fine of \$200 or imprisonment for not more than thirty days, as well as the assessment of two points against his motor vehicle operating record. The Department of Transportation is responsible for placing signage every thirty-five miles along the state's interstate roadways to direct slower traffic to move right. This bill takes effect upon approval of the Governor.

**Department of Transportation.** This bill would require the department to install signage at least every thirty-five miles along interstate roadways to direct slower traffic to keep right. The cost to manufacture each sign is \$109.67 and the cost to install each sign is \$78.99, resulting in a total cost of \$188.66 per sign. The department estimates that there are 128 additional signs needed to meet the requirements of the bill. The total expenditure impact of the bill is \$24,148, which would be covered by the agency's Other Funds.

**Department of Public Safety.** This bill will have no expenditure impact on the Department of Public Safety because the agency will administer policies resulting from the bill with the use of existing staff and resources.

**Department of Motor Vehicles.** DMV indicates that approximately 12 hours of programming are needed to add the violation to its systems. At \$110 per hour, this would increase agency expenditures by \$1,320.

#### **State Revenue**

This bill creates the new offense of driving in the left-most lane on a roadway with two or more lanes heading in the same direction when the driver knows or reasonably should know that his vehicle is being overtaken in that lane by a motor vehicle traveling behind him at a higher rate of speed. The penalty for this offense is \$200. While there are other states that have similar laws in place, there is significant variability in the number of citations that have been issued in a given year, and there is a broad range of fines that may be assessed. For instance, in 2014, Rhode

Island issued 40 citations having a fine of \$85 each. During the same year, Georgia issued more than 300 citations; in that state, however, the arresting officer has discretion in setting the fine, and the local jurisdiction has discretion in reducing the fine. (Note that the maximum penalty in Georgia is \$1,000 per violation plus the assessment of three points against a person's driving record.) Based on the variability between the number of citations that may be issued and the differences in allowable fines for each state having a similar law, the amount of state revenue that may be generated from the implementation of this bill is undetermined. The counties will retain a portion of the revenue generated by the assessment of these fines and must remit the remainder to the State Treasurer for appropriate distribution.

### **Local Expenditure**

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### **Local Revenue**

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Frank A. Rainwater, Executive Director