**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑1‑70 SO AS TO PROVIDE THAT A PUBLIC UTILITY THAT HOLDS AN EASEMENT OR RIGHT OF WAY, REGARDLESS OF THE MANNER BY WHICH IT WAS ACQUIRED, MAY USE THE EASEMENT OR RIGHT OF WAY ONLY TO ACCOMPLISH THE EASEMENT’S OR RIGHT OF WAY’S ORIGINAL INTENDED PURPOSE AND TO PERFORM NECESSARY INSPECTIONS OR MAINTENANCE DIRECTLY RELATED TO THAT PURPOSE, AND TO PROVIDE THAT A PUBLIC UTILITY MAY NOT EXPAND, ADJUST, OR MODIFY ITS USE OF AN EXISTING EASEMENT OR RIGHT OF WAY TO CONFORM TO A FUTURE NEED UNLESS THE PROPERTY OWNER AGREES IN WRITING TO THE EXPANDED, ADJUSTED, OR MODIFIED USE, AND THE EXPANDED, ADJUSTED, OR MODIFIED USE CAUSES NO UNNECESSARY OR IRREPARABLE HARM TO THE PROPERTY.

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

SECTION 1. Chapter 1, Title 58 of the 1976 Code is amended by adding:

“Section 58‑1‑70. (A) Notwithstanding another provision of law, a public utility created or governed pursuant to the provisions of this title which holds an easement or right of way, regardless of the manner by which it was acquired, may use the easement or right of way only to accomplish the easement’s or right of way’s original intended purpose and to perform necessary inspections or maintenance directly related to that purpose.

(B) A public utility described in subsection (A) may not expand, adjust, or modify its use of an existing easement or right of way to conform to a future need unless the:

(1) property owner agrees in writing to the expanded, adjusted, or modified use; and

(2) expanded, adjusted, or modified use causes no unnecessary or irreparable harm to the property.”

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

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