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Indicates New Matter

COMMITTEE REPORT

January 15, 2020

**H. 4454**

Introduced by Reps. Long, Chumley, Burns, Allison, Felder, Morgan, Taylor, Jefferson, Brown and Tallon

S. Printed 1/15/20--H.

Read the first time April 11, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4454) to amend Section 56‑5‑1538, Code of Laws of South Carolina, 1976, relating to Emergency Scene Management, so as to delete provisions that regulate the conduct, 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 Section 56-5-1539, as contained in SECTION 2 on pages 3 and 4 and inserting:

/ “Section 56‑5‑1539. (A) A traffic incident scene is a location designated by the presence of authorized emergency vehicles, Department of Transportation incident management vehicles, or recovery and towing vehicles, and is identified by emergency vehicles, rescue equipment, recovery and towing vehicles with flashing lights, emergency services personnel, or recovery or towing personnel on the scene.

(B) The driver of a vehicle shall maintain control of the vehicle when approaching or passing a traffic incident scene on or near the right of way of a street or highway. The exercise of control required for a driver to comply with this section is that control is possible and necessary by the driver to prevent a collision, to prevent injury to persons or property, and to avoid interference with the performance of duties by emergency personnel or recovery or towing personnel.

(C) A person driving a vehicle approaching a traffic incident scene shall proceed with due caution, significantly reduce the speed of the vehicle, and:

(1) yield the right of way by making a lane change into a lane not adjacent to the authorized emergency vehicle or recovery or towing vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

(D) A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services, Department of Transportation, or recovery or towing personnel and, upon conviction, must be fined not less than three hundred dollars nor more than five hundred dollars.

(E) For purposes of this section:

(1) ‘Authorized emergency vehicle’ means any ambulance, police, fire, or rescue vehicle authorized by this State, county, or municipality to respond to a traffic incident. An authorized emergency vehicle must be identified by displaying alternately flashing red, red and white, blue, or red and blue lights.

(2) ‘Department of Transportation incident management vehicle’ means any department vehicle displaying red, white, or amber lights and providing traffic control at the traffic incident scene.

(3) ‘Recovery or towing vehicle’ means any recovery vehicle or wrecker equipped with amber or yellow flashing lights visible in all directions for a distance of five hundred feet in normal sunlight.

(4) ‘Emergency services personnel’ means fire, police, emergency medical services (EMS) personnel performing first responder duties.

(5) ‘Recovery or towing personnel’ means personnel employed by the recovery or towing service performing recovery or towing duties.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**A** **BILL**

TO AMEND SECTION 56‑5‑1538, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY SCENE MANAGEMENT, SO AS TO DELETE PROVISIONS THAT REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING AN EMERGENCY SCENE OR EMERGENCY VEHICLE, THE PENALTIES FOR VIOLATING THIS SECTION, AND CERTAIN TERMS AND THEIR DEFINITIONS; BY ADDING SECTION 56‑5‑1539 SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS, REGULATE THE CONDUCT OF A DRIVER OF A VEHICLE APPROACHING A TRAFFIC INCIDENT SCENE, AND PROVIDE PENALTIES; TO AMEND SECTION 56‑5‑1535, RELATING TO THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER AND PENALTIES FOR A VIOLATION OF THIS OFFENSE, SO AS TO REVISE THE DEFINITION OF THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”; AND BY ADDING SECTION 56‑5‑1537 SO AS TO PROVIDE THE DEPARTMENT OF TRANSPORTATION MUST PROVIDE TRAFFIC INCIDENT MANAGEMENT TRAINING TO A DRIVER OF A WRECKER OR TOWING SERVICE VEHICLE FREE OF CHARGE.

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

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

“Section 56‑5‑1538. (A) An emergency scene is a location designated by the potential need to provide emergency medical care and is identified by emergency vehicles with flashing lights, rescue equipment, or emergency personnel on the scene.

(B) An emergency scene is a special hazard.

(C) An emergency scene is under the authority of the first arriving emergency personnel, which includes emergency medical services personnel, until the arrival of the fire or law enforcement officials having jurisdiction. All motor vehicles passing through an emergency scene and pedestrians observing an emergency scene must obey and not interfere with the duties of emergency personnel. Motor vehicles and bystanders may not block access to or exit from an emergency scene.

(D) The management authority of emergency medical services is limited to managing patient care and preventing further injury to the patients and on‑scene personnel. This authority may be delegated by emergency personnel to provide an adequate level of safety.

(E) A paid or volunteer worker at an emergency scene has proper authority to be at and control the scene in a manner consistent with his training.

~~(F)~~ ~~The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing an emergency scene or authorized emergency vehicle stopped on or near the right‑of‑way of a street or highway with emergency lights flashing. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent a collision, to prevent injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel.~~

~~(G)~~ ~~A person driving a vehicle approaching a stationary authorized emergency vehicle that is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights, or amber or yellow warning lights shall proceed with due caution, significantly reduce the speed of the vehicle, and:~~

~~(1)~~ ~~yield the right‑of‑way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or~~

~~(2)~~ ~~maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.~~

~~(H)~~ ~~A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services personnel and, upon conviction, must be fined not less than three hundred dollars nor more than five hundred dollars.~~

~~(I)~~ ~~For purposes of this section:~~

~~(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.~~

~~(2)~~ ~~‘Emergency services personnel’ means fire, police, or emergency medical services personnel (EMS) responding to an emergency incident.~~”

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

“Section 56‑5‑1539. (A) A traffic incident scene is a location designated by the presence of authorized emergency vehicles, or recovery and towing vehicles, or both, and is identified by emergency vehicles, rescue equipment, recovery and towing vehicles with flashing lights, emergency services personnel, or recovery or towing personnel on the scene.

(B) The driver of a vehicle shall maintain control of the vehicle when approaching or passing a traffic incident scene on or near the right of way of a street or highway. The exercise of control required for a driver to comply with this section is that control is possible and necessary by the driver to prevent a collision, to prevent injury to persons or property, and to avoid interference with the performance of duties by emergency personnel or recovery or towing personnel.

(C) A person driving a vehicle approaching a traffic incident scene shall proceed with due caution, significantly reduce the speed of the vehicle, and:

(1) yield the right of way by making a lane change into a lane not adjacent to the authorized emergency vehicle or recovery or towing vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

(D) A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services or recovery or towing personnel and, upon conviction, must be fined not less than three hundred dollars nor more than five hundred dollars.

(E) For purposes of this section:

(1) ‘Authorized emergency vehicle’ means any ambulance, police, fire, or rescue vehicle authorized by this State, county, or municipality to respond to a traffic incident. An authorized emergency vehicle must be identified by displaying alternately flashing red, red and white, blue, or red and blue lights.

(2) ‘Recovery or towing vehicle’ means any recovery vehicle or wrecker equipped with amber or yellow flashing lights visible in all directions for a distance of five hundred feet in normal sunlight.

(3) ‘Emergency services personnel’ means fire, police, emergency medical services (EMS) personnel performing first responder duties.

(4) ‘Recovery or towing personnel’ means personnel employed by the recovery or towing service performing recovery or towing duties.”

SECTION 3. Section 56‑5‑1535(F)(1) of the 1976 Code is amended to read:

“(1) ‘Highway work zone’ means an area of a roadway, bridge, shoulder, median, or associated right of way, where construction, maintenance, utility work, accident response, towing, or other incident response is being performed. The work zone must be marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and extends from the first traffic control device erected for purposes of controlling the flow of motor vehicles through the work zone, including signs reducing the normal speed limit, to the ‘END ROAD WORK’ sign or the last temporary traffic control device. The signs, channeling devices, barriers, pavement markings, or work vehicles must meet state Department of Transportation standards, the provisions of Section 56‑5‑4700, or National Fire Protection (NFPA) standards, and must be installed properly.”

SECTION 4. Section 56‑5‑1535(F)(2)(f) of the 1976 Code is amended to read:

“(f) an officer or firefighter, an emergency medical services provider, a tow truck operator, or any other authorized person who removes hazards or who responds to accidents and other incidents.”

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

“Section 56‑5‑1537. The Department of Transportation must allow a driver of a wrecker or towing service vehicle to take traffic incident management training free of charge.”

SECTION 6. This act takes effect upon approval by the Governor.

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