~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 27, 2020

**H. 4835**

Introduced by Reps. West, G.M. Smith, Simrill, Thayer, Cogswell, Sottile, Hewitt, Bales, Hardee, Caskey, Chellis, Finlay, Kimmons, Murphy and Wooten

S. Printed 2/27/20--H.

Read the first time January 14, 2020.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4835) to amend Section 56‑5‑1810, Code of Laws of South Carolina, 1976, relating to requiring a motor vehicle to be driven upon the right half of 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 SECTION 1 in its entirety and inserting:

/SECTION 1. Section 56‑5‑1810 of the 1976 Code is amended by adding the following appropriately lettered subsections at the end to read:

“( ) On any controlled access roadway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthermost left‑hand 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 subsection does not apply to a driver operating a vehicle that is overtaking another vehicle proceeding in the same direction, or when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to other vehicles overtaking or passing his vehicle on the right, or when a driver of a vehicle requiring a commercial drivers 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 who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of two hundred dollars or by imprisonment for not more than thirty days, and assessed two points against his motor vehicle operating record as provided in Section 56‑1‑720, except that a driver of a vehicle requiring a commercial drivers license may not be fined more than fifty dollars and no points may be assessed against his driving record for failing to comply with this section.

( ) The Department of Transportation must place signs along the interstate highways directing slower traffic to move right. These signs must be placed at intervals of no greater than every thirty‑five miles.” /

Amend the bill further by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. This act takes effect one hundred eighty days after 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**

**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 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 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.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑5‑1810, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING A MOTOR VEHICLE TO BE DRIVEN UPON THE RIGHT HALF OF A ROADWAY, SO AS TO PROVIDE RESTRICTIONS ON DRIVING A MOTOR VEHICLE ON A ROADWAY HAVING AT LEAST TWO LANES ALLOWING MOVEMENT IN THE SAME DIRECTION, PROVIDE A PENALTY, AND DIRECT THE DEPARTMENT OF TRANSPORTATION TO PLACE SIGNS ALONG THE INTERSTATE HIGHWAYS DIRECTING SLOWER TRAFFIC TO MOVE RIGHT; AND TO AMEND SECTION 56‑1‑720, RELATING TO POINTS ASSESSED AGAINST A PERSON’S MOTOR VEHICLE RECORD FOR COMMITTING CERTAIN OPERATING VIOLATIONS, SO AS TO PROVIDE IMPROPER DRIVING IN A LEFT LANE IS A TWO‑POINT VIOLATION.

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

SECTION 1. Section 56‑5‑1810 of the 1976 Code is amended by adding the following appropriately lettered subsections at the end to read:

“( ) On any roadway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthermost left‑hand 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 subsection does not apply to a driver operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.

( ) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of two hundred dollars or by imprisonment for not more than thirty days, and assessed two points against his motor vehicle operating record as provided in Section 56‑1‑720.

( ) The Department of Transportation must place signs along the interstate highways directing slower traffic to move right. These signs must be placed at intervals of no greater than every thirty‑five miles.”

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving 6

Passing stopped school bus 6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the posted limits 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control device 4

Disobedience to officer directing traffic 4

Failing to yield right‑of‑way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing 2

Endangerment of a highway worker, no injury 2

Endangerment of a highway worker, injury results 4

Improper driving in left lane 2”

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

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