**South Carolina General Assembly**

124th Session, 2021-2022

**A89, R101, S40**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Grooms

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Introduced in the Senate on January 12, 2021

Introduced in the House on April 6, 2021

Last Amended on March 31, 2021

Passed by the General Assembly on May 13, 2021

Governor's Action: May 24, 2021, Signed

Summary: State highways

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2020 Senate Prefiled

 12/9/2020 Senate Referred to Committee on **Transportation**

 1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 109](file:///h%3A%5Csj%5C20210112.docx))

 1/12/2021 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 109](file:///h%3A%5Csj%5C20210112.docx))

 2/3/2021 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20210203.docx))

 3/31/2021 Senate Amended ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20210331.docx))

 3/31/2021 Senate Read second time ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20210331.docx))

 3/31/2021 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 39](file:///h%3A%5Csj%5C20210331.docx))

 4/1/2021 Scrivener's error corrected

 4/6/2021 Senate Read third time and sent to House ([Senate Journal‑page 45](file:///h%3A%5Csj%5C20210406.docx))

 4/6/2021 House Introduced and read first time ([House Journal‑page 122](file:///h%3A%5Chj%5C20210406.docx))

 4/6/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 122](file:///h%3A%5Chj%5C20210406.docx))

 4/22/2021 House Committee report: Favorable **Education and Public Works** ([House Journal‑page 24](file:///h%3A%5Chj%5C20210422.docx))

 4/28/2021 House Requests for debate‑Rep(s).  Bustos, Carter, Morgan,Calhoon, McCabe, May, Oremus, McGarry, B. Newton, Ott, Anderson, Hiott, T. Moore, B. Cox, Nutt, Allison, Hixon, Kirby, Wetmore, Stavrinakas, M. Smith and Taylor ([House Journal‑page 30](file:///h%3A%5Chj%5C20210428.docx))

 5/5/2021 House Debate adjourned until Thur., 5‑6‑21 ([House Journal‑page 32](file:///h%3A%5Chj%5C20210505.docx))

 5/11/2021 House Debate adjourned until Wed., 5‑12‑21 ([House Journal‑page 56](file:///h%3A%5Chj%5C20210511.docx))

 5/12/2021 House Read second time ([House Journal‑page 52](file:///h%3A%5Chj%5C20210512.docx))

 5/12/2021 House Roll call Yeas‑102 Nays‑10 ([House Journal‑page 53](file:///h%3A%5Chj%5C20210512.docx))

 5/13/2021 House Read third time and enrolled ([House Journal‑page 29](file:///h%3A%5Chj%5C20210513.docx))

 5/18/2021 Ratified R 101

 5/24/2021 Signed By Governor

 6/1/2021 Effective date 05/24/21

 6/1/2021 Act No.  89

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p%3A%5Cpprever%5C2021-22%5C40_20201209.docx)

[2/3/2021](file:///p%3A%5Cpprever%5C2021-22%5C40_20210203.docx)

[3/31/2021](file:///p%3A%5Cpprever%5C2021-22%5C40_20210331.docx)

[4/1/2021](file:///p%3A%5Cpprever%5C2021-22%5C40_20210401.docx)

[4/22/2021](file:///p%3A%5Cpprever%5C2021-22%5C40_20210422.docx)

(A89, R101, S40)

**AN ACT TO AMEND SECTION 57‑5‑840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERATIONS BY MUNICIPALITIES OF STATE HIGHWAY FACILITIES, SO AS TO PROVIDE USE OR RESTRICTIONS MADE BY MUNICIPALITIES ON STATE HIGHWAY FACILITIES OR RIGHTS OF WAY FOR MUNICIPAL UTILITIES, PARKING OR OTHER PURPOSES ARE SUBJECT TO PRIOR APPROVAL BY THE DEPARTMENT OF TRANSPORTATION BY ENCROACHMENT PERMIT; BY ADDING SECTION 57‑5‑845 SO AS TO PROVIDE FREE AND PAID PARKING RESTRICTIONS ON STATE HIGHWAY FACILITIES LOCATED IN BEACH COMMUNITIES ELIGIBLE FOR BEACH RENOURISHMENT FUNDS, AND TO PROVIDE FOR THE USE OF FUNDS GENERATED FROM MUNICIPAL PUBLIC BEACH PARKING CHARGES; AND TO AMEND SECTION 57‑7‑210, RELATING TO OBSTRUCTIONS IN HIGHWAYS, SO AS TO DEFINE THE TERM “HIGHWAY” AND REVISE THE PENALTY FOR VIOLATIONS OF THIS SECTION.**

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

**Alterations of state highways by municipalities**

SECTION 1. Section 57‑5‑840 of the 1976 Code is amended to read:

 “Section 57‑5‑840. A municipality may not alter any state highway facility without the prior approval of the department, and any use or restriction made by a municipality of a highway or highway right of way for municipal utilities, parking, or other purposes is subject to prior approval of the department by encroachment permit.”

**Parking facilities in beach communities**

SECTION 2. Article 5, Chapter 5, Title 57 of the 1976 Code is amended by adding:

 “Section 57‑5‑845. (A) Parking facilities on state highway facilities located in beach communities that are eligible for beach renourishment funds:

 (1) must include free public beach parking;

 (2) may include paid public beach parking; and

 (3) only may be restricted by the department if the department determines that the restrictions are necessary under the circumstances.

 (B) Any municipality electing to charge for public beach parking may use the parking revenues for the operation, maintenance, preservation, or funding of:

 (1) public beach parking facilities;

 (2) beach access, maintenance, and renourishment;

 (3) traffic and parking enforcement;

 (4) first responders;

 (5) sanitation; and

 (6) litter control and removal for beaches.”

**Obstructions in highways**

SECTION 3. Section 57‑7‑210 of the 1976 Code is amended to read:

 “Section 57‑7‑210. (A) For the purposes of this section, ‘highway’ includes the entire area within a highway right of way, including the shoulders and parking areas.

 (B) It is unlawful for any person wilfully to obstruct ditches and drainage openings along any highway, to place obstructions upon any such highway, or to throw or place on any such highway any objects likely to cut or otherwise injure vehicles using them.

 (C) A violation of this section shall be punishable by a fine of not more than one hundred dollars per day, imprisonment for not more than thirty days, or both.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 18th day of May, 2021.

Approved the 24th day of May, 2021.

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