COMMITTEE REPORT

March 23, 2021

**H. 3011**

Introduced by Reps. West, G.M. Smith, Simrill, B. Newton, Wooten, McGarry, Bryant, Haddon, Long, Pope, Gilliam, Hosey, Oremus, Caskey, Hardee, Yow, Atkinson and Martin

S. Printed 3/23/21--S.

Read the first time March 9, 2021.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 3011) to amend Section 56‑5‑1810, Code of Laws of South Carolina, 1976, relating to requiring a motor vehicle to be driven, 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 all after the enacting words and inserting:

/SECTION 1. Article 13, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑1885. (A) A vehicle may not be driven in the farthest left lane of a controlled access highway of three or more lanes except when overtaking and passing another vehicle.

(B) Subsection (A) of this section does not apply:

(1) when no other vehicle is directly behind the vehicle in the left lane;

(2) when traffic conditions and congestion make it impractical to drive in the right lane;

(3) when snow and other inclement weather conditions make it safer to drive in the left lane;

(4) when obstructions or hazards exist in the right lane;

(5) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(6) to law enforcement vehicles, ambulances, or other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations;

(7) when a driver of a tractor-trailer commercial motor vehicle combination is unable to move into the right lane safely due to another vehicle overtaking or passing his vehicle to the right; or

(8) when a driver of a vehicle requiring a commercial motor vehicle license to operate is unable to move into the right lane safely due to a highway grade or another vehicle overtaking or passing his vehicle on the right.

(C) Nothing in this section shall limit the Department of Transportation’s ability to establish and delineate lane restrictions for certain types of vehicles.

(D) The Department of Transportation must place signs along interstate highways directing slower traffic to move to the right. The signs must be placed at intervals of no more than thirty-five miles.

(E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-five dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles;

(b) included in the criminal records maintained by SLED; or

(c) reported to the offender’s motor vehicle insurer.

(2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

(3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

(4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

(5) A person found to be in violation of this section may bring an appeal to the court of common pleas.”

SECTION 2. This act takes effect ninety days after approval by the Governor. For a period of ninety days after the effective date of this act, only warning tickets may be issued for a violation of the provisions of this act. /

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**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.

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 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, except that a driver of a vehicle requiring a commercial drivers license may not be fined more than fifty dollars.

( ) 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.

( ) For a period of one hundred eighty days after the effective date of this section, only warning tickets may be issued for a violation of the provisions in this section.”

SECTION 2. This act takes effect one hundred eighty days after approval by the Governor.

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