**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 9, TITLE 23 SO AS TO PROVIDE CERTAIN SAFETY REQUIREMENTS FOR THE OPERATOR OF A COMMERCIAL BOAT DOCK OR MARINA TO REDUCE THE RISK OF ELECTRICAL SHOCK DROWNING, TO DEFINE NECESSARY TERMS, TO ESTABLISH A PENALTY, TO REQUIRE COMPLIANCE WITH SAFETY REQUIREMENTS WITHIN NINETY DAYS OF THE DISCOVERY OF AN INFRACTION, AND TO AUTHORIZE THE STATE FIRE MARSHAL TO PROMULGATE REGULATIONS.

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

SECTION 1. Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Article 7

South Carolina Electrical Shock Drowning Prevention Act

Section 23‑9‑600. As used in this article:

(1) ‘Boat dock’ means a man‑made structure that protrudes into a body of water for the purpose of mooring a vessel and is connected to an electrical power source. This includes a boat livery but does not include a structure that is privately owned and used exclusively by the owner or the owner’s guests for noncommercial purposes.

(2) ‘Marina’ means a commercial facility which provides mooring or dry storage for watercraft.

(3) ‘Operator’ means a person who, regardless of his ownership status, supervises or is otherwise responsible for the operation, maintenance, and repairs of a commercial boat dock or marina.

(4) ‘Person’ means an individual, a partnership, a firm, a corporation, an association, or other legal entity.

(5) ‘Vessel’ means every description of watercraft used or capable of being used as a means of transportation on water.

(6) ‘Watercraft’ means any thing used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or any thing that does not meet construction or operational requirements of the state or federal government for watercraft.

Section 23‑9‑610. (A) An operator must:

(1) utilize ground fault protection not exceeding one hundred milliamperes on any main overcurrent protective device installed or replaced after July 1, 2021. An operator may use ground fault protection not exceeding one hundred milliamperes on each individual branch or feeder circuit. An operator must decide which devices will meet the one hundred milliamperes limit including, but not limited to, equipment leakage or ground fault circuit interrupters;

(2) undergo a safety inspection by the State Fire Marshal between July 1, 2021, and July 1, 2023, and every five years thereafter. The inspection must include all sources of electrical supply that could result in unsafe underwater current. If a deficiency is found in the course of the inspection, the subsequent inspections must be conducted by a licensed electrician who shall submit a report to the State Fire Marshal that states the boat dock or marina is in compliance; and

(3) install permanent safety signage with print legible from a distance of at least eighty feet and placed to give adequate notice to a person using the boat dock, marina, or surrounding area of the electric shock hazard risks of the waters around the boat dock or marina. The signage must state: ‘ELECTRIC SHOCK HAZARD: NO SWIMMING WITHIN 100 YARDS’.

(B) Notwithstanding any other provision of law, an operator who intentionally or knowingly violates the requirements of this section is subject to an administrative fine that must be paid to the State Fire Marshal to defray the administrative costs of enforcing this article. An operator who intentionally or knowingly does not:

(1) utilize ground fault protection may be fined not more than:

(a) two thousand five hundred dollars for a violation that does not result in serious bodily injury;

(b) five thousand dollars for a violation that results in serious bodily injury to an individual; or

(c) fifty thousand dollars for a violation that results in the death of an individual; and

(2) undergo a safety inspection or install permanent safety signage may be fined not more than five hundred dollars.

(C) An operator in violation of this section must remedy the violation within ninety days of the discovery of the infraction. If an operator fails to remedy the violation, the State Fire Marshal may declare the boat dock or marina to be an unsafe structure and order the closure of the boat dock or marina until it is in compliance with this section.

Section 23‑9‑620. The State Fire Marshal may promulgate regulations in accordance with the South Carolina Administrative Procedures Act for the implementation, administration, and enforcement of this article.”

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

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