**A** **BILL**

TO AMEND SECTION 58‑5‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS, SO AS TO INCLUDE MUNICIPALITIES AND COUNTIES WITHIN THE TERM “PUBLIC UTILITY”; TO AMEND SECTION 58‑5‑390, RELATING TO TAP FEES FOR INSTALLATION AND MAINTENANCE OF THE FIRE SPRINKLER SYSTEM, SO AS TO REMOVE THE EXCEPTION FOR A PUBLIC UTILITY OWNED OR OPERATED BY OR ON BEHALF OF ANY MUNICIPALITY, COUNTY OR REGIONAL TRANSPORTATION AUTHORITY; AND TO REPEAL SECTION 58‑5‑30, RELATING TO THE EXEMPTION OF PUBLIC UTILITIES OWNED OR OPERATED BY MUNICIPALITIES OR REGIONAL TRANSPORTATION AUTHORITIES.

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

SECTION 1. Section 58‑5‑10(4) of the 1976 Code is amended to read:

“(4) The term ‘public utility’ includes every corporation and person delivering natural gas distributed or transported by pipe, and every corporation and person furnishing or supplying in any manner heat (other than by means of electricity), water, sewerage collection, sewerage disposal, and street railway service, or any of them, to the public, or any portion thereof, for compensation; provided, however, that a corporation or person furnishing, supplying, marketing, and/or selling natural gas at the retail level for use as a fuel in self‑propelled vehicles is not a public utility by virtue of the furnishing, supplying, marketing, and/or selling of natural gas and a corporation or person whose only purpose is the furnishing, supplying, marketing, and/or selling of treated effluent for irrigation purposes is not a public utility by virtue of the furnishing, supplying, marketing, and/or selling of treated effluent if the effluent is not permitted for consumption by a regulatory agency. The term also includes municipalities and counties furnishing or supplying water in any manner.”

SECTION 2. Section 58‑5‑390 of the 1976 Code is amended to read:

“Section 58-5-390. (A) A publicly or privately owned utility may not impose a tap fee, other fee, or a recurring maintenance fee of any nature or however described for the installation and maintenance of a fire sprinkler system that exceeds the actual costs associated with the water line to the system.

(B) For purposes of this section, actual costs include direct labor, direct material, the necessity of increased capacity, and other direct charges associated with the separate fire sprinkler line. The direct costs must be documented by either an invoice or work order that specifically assigns the costs to the separate fire sprinkler line. Nothing in this section may be construed as requiring a utility to provide service to support a private fire protection system.

~~(C)~~ ~~Nothing in this section shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality, county, or regional transportation authority as defined in Chapter 25 of this title or their agencies.~~”

SECTION 3. Section 58‑5‑30 of the 1976 Code is repealed.

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

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