~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

May 6, 2021

**H. 3865**

Introduced by Reps. Wetmore, Hewitt, Cogswell, Bustos, Anderson, Stavrinakis, Bennett, Erickson and Bradley

S. Printed 5/6/21--S.

Read the first time March 17, 2021.

**A** **BILL**

TO AMEND SECTION 50‑21‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

Amend Title To Conform

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

SECTION 1. Section 50‑21‑30 of the 1976 Code is amended to read:

“Section 50‑21‑30. ~~(1)~~(A) For the purposes of this section, ‘floating structure’ means a man‑made object other than a watercraft that is capable of flotation and that is not authorized by a permit issued by an agency of this State.

(B) The provisions of Title 50 and other applicable laws of this State shall govern the operation, equipment, titling, numbering, and all other matters relating thereto for watercraft and water devices using or held for use on the waters of this State~~; but nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft; provided, that the ordinances or local laws shall be operative only so long as and to the extent that they are identical to provisions of this chapter, amendments thereto, or regulations issued thereunder~~. A local government may not adopt an ordinance regulating watercraft or water devices used or held for use on the waters of this State unless the ordinance is:

(1) identical to a provision of this chapter;

(2) identical to a regulation promulgated under the authority of a provision of this chapter; or

(3) authorized pursuant to the provisions of this section.

~~(2)~~  ~~Any subdivision of this State may, at any time, but only after three days’ public notice make formal application to the department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules and regulations necessary or appropriate.~~

(C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located in any one five-mile radius on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars. An ordinance adopted pursuant to this subsection must not apply to watercraft:

(a) moored to a dock or marina berth with permission from the dock or berth owner;

(b) moored to a mooring buoy that is permitted by the Department of Health and Environmental Control with permission from the buoy owner, or

(c) moored to a mooring buoy with permission from the buoy owner, provided that the buoy is in the location as it existed on public waters on June 30, 2021.

(2) Notwithstanding Section 5‑7‑140(B), the corporate limits of any municipality bordering on the high‑water mark of a navigable body of water, other than the Atlantic Ocean, are extended to the center of the channel of the navigable body of water for the sole purpose of enforcing an ordinance adopted pursuant to this subsection.

(a) moored to a dock or marina berth with permission from the dock or berth owner; or

(b) moored to a mooring buoy that is permitted pursuant to Regulation 30‑12 of the Department of Health and Environmental Control and with the permission from the buoy owner.

(2) Notwithstanding the provisions of Section 5-7-140(B), the corporate limits of a municipality extend to the channel of any public waters within the municipality for the purposes of the enforcement of an ordinance adopted pursuant to the provisions of this subsection.

(D) An officer of the department who reasonably believes that watercraft within a local government’s jurisdiction is in violation of an ordinance adopted pursuant to the provisions of this section must provide the location of the watercraft to the local government.

~~(3)~~(E) The department is hereby authorized to make special rules and regulations with reference to the operation of ~~vessels~~ watercraft on the waters ~~within the territorial limits~~ of this State.”

SECTION 2. This act takes effect on July 1, 2021.

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