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Indicates New Matter

COMMITTEE REPORT

February 3, 2021

**S. 40**

Introduced by Senator Grooms

S. Printed 2/3/21--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 40) to amend Section 5-29-30 of the 1976 code, relating to the right of municipalities to establish on-street parking facilities, to provide that municipalities may not, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 5-29-30 OF THE 1976 CODE, RELATING TO THE RIGHT OF MUNICIPALITIES TO ESTABLISH ON-STREET PARKING FACILITIES, TO PROVIDE THAT MUNICIPALITIES MAY NOT ESTABLISH OR ALTER PARKING FACILITIES ON ANY STATE HIGHWAY FACILITY WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 57-5-840 OF THE 1976 CODE, RELATING TO ALTERATIONS BY A MUNICIPALITY OF STATE HIGHWAY FACILITIES, TO PROVIDE THAT RESTRICTIONS ON THE USE OF STATE HIGHWAY FACILITIES BY A MUNICIPALITY ARE SUBJECT TO PRIOR APPROVAL BY THE DEPARTMENT OF TRANSPORTATION; TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57 OF THE 1976 CODE, RELATING TO CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-845, TO PROVIDE THAT PARKING ON STATE HIGHWAY FACILITIES LOCATED ON BARRIER ISLANDS IS FREE AND ANY RESTRICTIONS MAY ONLY BE MADE BY THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 57-7-210 OF THE 1976 CODE, RELATING TO OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT THE FINE FOR VIOLATIONS IS CALCULATED ON A PER-DAY BASIS; TO AMEND SECTION 57-7-220 OF THE 1976 CODE, RELATING TO THE REMOVAL OF OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT OBSTRUCTIONS ON ANY PORTION OF A PUBLIC HIGHWAY MUST BE REMOVED AS SOON AS POSSIBLE BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTAINING THE HIGHWAY; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 5-29-30 of the 1976 Code is amended to read:

“Section 5-29-30. The right of any municipality to establish on-street parking facilities is reaffirmed, and such facilities may be established and operated wherever traffic conditions in such municipality require. However, a municipality may not establish or alter parking facilities on any state highway facility without the Department of Transportation’s prior approval.”

SECTION 2. Section 57-5-840 of the 1976 Code is amended to read:

“Section 57-5-840. A municipality may not alter any ~~State~~ state highway facility without the prior approval of the ~~Department~~ department, and any use or restriction made by ~~the city~~ a municipality of ~~the~~ a highway or highway right of way for ~~city~~ municipality utilities, parking, or for other purposes ~~shall be~~ is subject to prior approval of the ~~Department~~ department.”

SECTION 3. Article 5, Chapter 5, Title 57 of the 1976 Code is amended by adding:

“Section 57-5-845. Parking on state highway facilities located on barrier islands shall be free and may only be restricted by the department if the department determines that the restrictions are necessary under the circumstances.”

SECTION 4. 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 ~~shall be~~ 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, ~~or~~ imprisonment for not more than thirty days, or both.”

SECTION 5. Section 57-7-220 of the 1976 Code is amended to read:

“Section 57-7-220. ~~Any time during the year when any~~ If a public highway, or any portion of a public highway, is ~~shall be~~ obstructed, ~~any overseer of the district in which it may be shall forthwith cause such obstruction to be removed~~ then the governmental entity responsible for maintaining the stretch of highway where the obstruction is located shall remove the obstruction as soon as possible.”

SECTION 6. This act takes effect upon approval by the Governor.

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