**A** **BILL**

TO AMEND SECTION 56‑5‑2360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF A MOTOR VEHICLE THAT IS APPROACHED BY AN AUTHORIZED EMERGENCY VEHICLE, SO AS TO INCREASE THE PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; TO AMEND SECTION 56‑5‑1538, RELATING TO EMERGENCY SCENE MANAGEMENT AND PERSONS WHO FAIL TO PROCEED WITH CAUTION UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE A DIFFERENT PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; TO AMEND SECTION 56‑5‑1960, RELATING TO THE PROHIBITION ON FOLLOWING FIRE APPARATUS, SO AS TO INCREASE THE PENALTY FOR A VIOLATION AND TO PROVIDE A PENALTY WHEN A VIOLATOR CAUSES DAMAGE TO PROPERTY OR CAUSES GREAT BODILY INJURY OR DEATH; AND TO AMEND SECTION 56‑5‑3850, RELATING TO THE PROHIBITION ON CROSSING OVER A FIRE HOSE, SO AS TO INCREASE THE PENALTY FOR A VIOLATION.

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

SECTION 1. Section 56‑5‑2360 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred fifty dollars or imprisoned not more than thirty days.

(2) A person who violates the provisions of this section who

causes damage to property in the immediate area of the authorized emergency vehicle or police vehicle in excess of five hundred dollars, or causes injury to a law enforcement officer, a firefighter, an emergency vehicle operator, a public service vehicle operator, or any other emergency response person in the immediate area of the authorized emergency vehicle or police vehicle is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than ninety days. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense pursuant to this section may be tried in magistrates court.

(3) In addition to the penalty provided for any other offense which may be applicable, a person who violates the provisions of this section and causes great bodily injury or death to the personnel of an authorized emergency vehicle or police vehicle in the immediate area of the authorized emergency vehicle or police vehicle is guilty of a felony and, upon conviction, is subject to the penalty provided in Section 56‑5‑2910, reckless vehicular homicide.”

SECTION 2. Section 56‑5‑1538(H) of the 1976 Code is amended to read:

“(H) (1) A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services personnel and, upon conviction, must be fined not ~~less than three hundred dollars nor more than five hundred dollars~~ more than two hundred fifty dollars or imprisoned not more than thirty days.

(2) A person who violates the provisions of this section who

causes damage to any property of emergency services personnel in excess of five hundred dollars, or causes injury to emergency services personnel in the immediate area of the emergency services personnel is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than ninety days. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense pursuant to this section may be tried in magistrates court.

(3) In addition to the penalty provided for any other offense which may be applicable, a person who violates the provisions of this section and causes great bodily injury or death to emergency services personnel in the immediate area of the emergency services personnel is guilty of a felony and, upon conviction, is subject to the penalty provided in Section 56‑5‑2910, reckless vehicular homicide.”

SECTION 3. Section 56‑5‑1960 of the 1976 Code is amended to read:

“Section 56‑5‑1960. (A) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to an emergency closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to an emergency.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred fifty dollars or imprisoned not more than thirty days.

(C) A person who violates the provisions of this section who

causes damage to any fire apparatus in excess of five hundred dollars, or causes injury to a law enforcement officer, a firefighter, an emergency vehicle operator, or any other emergency response person in the immediate area of the fire apparatus is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than ninety days. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense pursuant to this section may be tried in magistrates court.

(D) In addition to the penalty provided for any other offense which may be applicable, a person who violates the provisions of this section and causes great bodily injury or death to a law enforcement officer, a firefighter, an emergency vehicle operator, or any other emergency response person in the immediate area of the fire apparatus is guilty of a felony and, upon conviction, is subject to the penalty provided in Section 56‑5‑2910, reckless vehicular homicide.”

SECTION 4. Section 56‑5‑3850 of the 1976 Code is amended to read:

“Section 56‑5‑3850. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred fifty dollars or imprisoned not more than thirty days.”

SECTION 5. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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