**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3962**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Trantham, Elliott, Vaughan, Gilliam, Mitchell, Yow, Oremus, A.M. Morgan, T.A. Morgan, Sandifer and Whitmire

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Introduced in the House on February 15, 2023

Currently residing in the House

Summary: Escape of materials loaded on vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/15/2023 House Introduced and read first time (House Journal‑page 6)

 2/15/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 6)

 3/21/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[02/15/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3962_20230215.docx)

[03/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3962_20230321.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑5‑4100, RELATING TO PREVENTING ESCAPE OF MATERIALS LOADED ON VEHICLES, and CLEANING THE HIGHWAYS OF ESCAPED SUBSTANCES OR CARGO, SO AS TO revise the penalty provision, to PROVIDE this section does not apply to the transportation of fertilizers or other products used in farming operations, to provide NO VEHICLES MAY BE OPERATED THAT ALLOW THE ESCAPE OF LARGE PIECES OF CERTAIN MATERIALS, AND TO DEFINE THE TERM “LARGE PIECES”; BY AMENDING SECTION 48‑53‑10, RELATING TO DEFINITIONS, SO AS TO DEFINE THE TERM “PERSON”; AND BY ADDING SECTION 48‑53‑25 SO AS TO PROVIDE VEHICLES SHALL NOT BE OPERATED THAT ALLOW THE ESCAPE OF LARGE PIECES OF CERTAIN MATERIALS, AND to DEFINE THE TERM “LARGE PIECE”.

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

SECTION 1. Section 56‑5‑4100 of the S.C. Code is amended to read:

 Section 56‑5‑4100. (A) No vehicle may be driven or moved on any public highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in the cleaning or maintaining of the roadway by the public authority having jurisdiction.

 (B) Trucks, trailers, or other vehicles when loaded with rock, gravel, stone, or other similar substances which could blow, leak, sift, or drop must not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; or, if the load is not level, unless the height of the sides of the load against all four walls does not extend above a horizontal line six inches below their tops, and the highest point of the load does not extend above their tops, when loaded at the loading point; or, if not so loaded, unless the load is securely covered by tarpaulin or some other suitable covering; or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle. This subsection also includes the transportation of garbage or waste materials to locations for refuse in this State.

 (C) The loader of the vehicle and the driver of the vehicle, in addition to complying with the other provisions of this section, shall sweep or otherwise remove any loose gravel or similar material from the running boards, fenders, bumpers, or other similar exterior portions of the vehicle before it is moved on a public highway.

 (D) Any person operating a vehicle from which any substances or cargo, excluding water, have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public highway, shall make every reasonable effort to immediately cause the public highway to be cleaned of all substances and shall pay any costs for the cleaning.

 If the person does not make every reasonable effort to clean the public highway promptly, the Department of Transportation or any law enforcement officer may, without the consent of the owner or carrier of the substance or cargo, remove or have removed the substance from the public highway if the substance or cargo is blocking the public highway or endangering public safety. The State, its political subdivisions, and their officers and employees are not liable for any damages to the substance or cargo that may result from the removal or the disposal of the substance or cargo unless the removal or disposal was carried out recklessly or in a grossly negligent manner. The State, its political subdivisions, and their officers and employees are not liable for any damages or claims of damages that may result from the failure to exercise any authority granted under this section. The owner, driver of the vehicle, or motor carrier of the substance or cargo removed under this subsection shall bear all reasonable costs of its removal and subsequent storage or disposition.

 Nothing in this section bars a claim for damages.

 (E) Any person who violates the provisions of subsections (B), (C), or (D), or (G) is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars.

 (F) The provisions contained in subsections (A), (B), and (C) are not applicable to and do not restrict the transportation of fertilizer, seed cotton, soybeans, tobacco, poultry, livestock or silage, or other feed grain used in the feeding of poultry or livestock, any other products used in farming operations, or of paper, wastepaper utilized for the manufacture of industrial products, paper products, forest products, or textile products.

 (G) No vehicle may be operated in a manner that allows the escape of a large piece of low density polyethylene, linear low density polyethylene, high density polyethylene, or other polyolefins or thermoplastics including, but not limited to, plastic wrap, stretch wrap, shrink wrap, and stretch film, upon any highway. “Large piece”, as used in this section, means any whole piece, or portion measuring in excess of two feet in width or length.

SECTION 2. Section 48‑53‑10 of the S.C. Code is amended to read:

 Section 48‑53‑10. As used in this chapter:

 (1) “Litter” means all waste material including, but not limited to, bottles, glass, crockery, cans, paper, plastic, rubber, garbage, offal, waste building material at construction sites, disposable packages, or containers thrown or deposited as prohibited by the provisions of this chapter but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

 (2) “Vehicle” means every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

 (3) “Person”, as used in Section 48‑53‑25, means anyone leasing, or the registered owner of, a vehicle used to transport litter or items that have been wrapped in plastic.

SECTION 3. Chapter 53, Title 48 of the S.C. Code is amended by adding:

 Section 48‑53‑25. No vehicle shall be operated in a manner that allows the escape of a large piece of low density polyethylene, linear low density polyethylene, high density polyethylene, or other polyolefins or thermoplastics including, but not limited to, plastic wrap, stretch wrap, shrink wrap, and stretch film, upon any public highway. “Large piece”, as used in this section, means any whole piece, or portion measuring in excess of two feet in width or length.

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

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