**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4682**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. White

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Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Abandoned motor vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 121)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 121)

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**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4682_20231214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-11-765 so as to provide it is unlawful to park vehicles in the right of way of highways maintained by governmental authorities under certain circumstances, to provide for the disposal of these vehicles, and to provide penalties; and BY AMENDING SECTION 16-11-700, RELATING TO prohibitions on DUMPING LITTER ON PRIVATE OR PUBLIC PROPERTY, the RESPONSIBILITY FOR its REMOVAL, and PENALTIES, so as to provide motor vehicles are considered litter under certain circumstances, and to make technical changes.

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

SECTION 1. Article 7, Chapter 11, Title 16 of the S.C. Code is amended by adding:

 Section 16-11-765. (A) It is unlawful for a person to park a vehicle, as defined in Section 56-5-5630, on the right of way of a highway maintained by a governmental authority of a highway without its consent.

 (B) A vehicle found parked on a right of way may be towed and stored at the expense of the registered owner or lienholder, subject to the limitations on allowed storage charges set forth in Section 29‑15‑10, and charges for towing, storing, preserving the vehicle, and expenses incurred if the owner and lienholder are notified pursuant to Section 29-15-10 constitute a lien against the vehicle, provided that the towing company makes notification to the law enforcement agency pursuant to Section 56-5-2525.

 (C) If the vehicle is not claimed by the owner, lienholder, or his agent, the vehicle must be sold at public auction advertised in the county in which the vehicle was towed or stored, after notice to the owner and lienholder is sent to their addresses on record, and the posting of the sale on an auction website and in any local publication thirty days prior to the sale.

 (D) A person violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days. This punishment is in addition to the other remedies authorized in this section.

SECTION 2. Section 16-11-700 (A) and (D) of the S.C. Code is amended to read:

 (A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, leave or otherwise dispose of litter or other solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74), and including cigarette butts and cigarette component litter, or motor vehicles upon waters, public rights of way, or public or private property in the State for which he is not the legal owner or a person otherwise granted permission by the legal owner including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

 (1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

 (2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

 (D) The fine for a deposit of a collection of litter or garbage in an amount not more than fifteen pounds in an area or facility not intended for public deposit of litter or garbage is not less than fifty dollars and not more than one hundred and fifty dollars. The provisions of this subsection apply to a deposit of litter or solid waste, as defined by Section 44-96-40(2), (6), (32), (33), (43), (46), (73), and (74), including cigarette butts, and cigarette components, and abandoning motor vehicles in an area or facility not intended for public deposit of litter or garbage. This subsection does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this subsection, the court also shall impose a minimum of sixteen hours of litter-gathering labor or other form of community service.

 (1) The court, instead of payment of the monetary fine imposed for a violation of this section, may direct the substitution of additional litter-gathering labor or other form of community service.

 (2) In addition to other punishment authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by the judge to pick up and remove from any public place or any private property, with prior permission of the legal owner of the property upon which it is established by competent evidence that the person has deposited litter, all litter deposited on the place or property by any person before the date of execution of sentence.

SECTION 3. This act takes effect upon approval by the Governor.

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