**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5119**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Schuessler, Hewitt, Robbins, McDaniel, Calhoon, Carter, Brewer, Anderson, Kirby, Crawford, Oremus, B.L. Cox, Chapman, Brittain, Lawson, Jordan, White, West, Neese, Guest, McGinnis, Connell, Vaughan, J.E. Johnson, Wooten, Pace, Pedalino, Bailey, Wetmore, Bradley, Guffey, Mitchell, Sessions, Kilmartin, Hartnett, O'Neal, B. Newton, W. Jones, Hiott, Felder, King, Landing, Pope, Henegan, Beach, Burns, W. Newton, Hager, Ballentine, Elliott, Forrest, Gagnon, Gilliam, Hayes, Herbkersman, Lowe, Moss, Murphy, Ott, Sandifer, M.M. Smith, Wheeler and Whitmire

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Introduced in the House on February 15, 2024

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

Summary: Sanitation worker protection

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/15/2024 House Introduced and read first time (House Journal‑page 20)

 2/15/2024 House Referred to Committee on **Judiciary** (House Journal‑page 20)

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**VERSIONS OF THIS BILL**

[02/15/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5119_20240215.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-5-1897 SO AS TO PROVIDE SPEED LIMITATIONS ON VEHICLES MEETING OR OVERTAKING WASTE SERVICE VEHICLES, AND PENALTIES FOR VIOLATIONS; AND BY AMENDING SECTION 56-5-170, RELATING TO the definition of the term “AUTHORIZED EMERGENCY VEHICLES”, SO AS TO INCLUDE “WASTE SERVICE VEHICLES” WITHIN THE DEFINITION of the term, AND TO PROVIDE THEY MAY BE EQUIPPED WITH STROBE LIGHTS.

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

SECTION 1. Article 3, Chapter 5, Title 56 of the S.C. Code is amended by adding:

 Section 56-5-1897. (A) No person shall drive a motor vehicle and meet or overtake from either direction a stopped waste service vehicle at a speed in excess of fifteen miles an hour.

 (B) For purposes of this section, “waste service vehicle” means any garbage collection vehicle, including a vehicle collecting recyclables or yard waste, which is used for curbside collection, makes frequent stops, and is not fully automated.

 (C) The speed limitation set forth in subsection (A) applies only under the following circumstances:

 (1) The waste service vehicle is identifiable as a waste service vehicle based on the vehicle configuration or markings on the vehicle;

 (2) The waste service vehicle operator is giving a visual signal by means of a stationary sign to warn of the presence of workers or must use flashing lights to caution other drivers; and

 (3) The waste service vehicle is not located on a private driveway, controlled access highway, interstate highway, or road or highway with a center line and more than two lanes.

 (D) A person who violates 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 three hundred dollars. If the person convicted of violating subsection (A) exceeded the speed limit by at least fifteen miles an hour or caused serious injury or death to a waste service vehicle worker, then the person must be fined not less than three hundred dollars nor more than one thousand dollars, or imprisoned not more than one year, or both.

SECTION 2. Section 56-5-170 of the S.C. Code is amended to read:

 Section 56-5-170. (A) Authorized emergency vehicles for purposes of this section include the following:

 (1) fire department vehicles;

 (2) police vehicles;

 (3) ambulances and rescue squad vehicles which are publicly owned;

 (4) vehicles of coroners and deputy coroners of the forty-six counties as designated by the coroners;

 (5) emergency vehicles designated by the fire department or the chief of police of a municipality;

 (6) county government litter enforcement vehicles used by certified law enforcement Class 3 litter control officers;

 (7) Department of Natural Resources vehicles, federal natural resources vehicles, and forestry commission vehicles when being used in the performance of law enforcement duties;

 (8) public and private vehicles while transporting individuals actually engaged in emergency activities because one or more occupants belong to a fire department, volunteer fire department, police department, sheriff's office, authorized county government litter enforcement office, rescue squad, or volunteer rescue squad;

 (9) county or municipal government jail or corrections vehicles used by certified jail or corrections officers, and emergency vehicles designated by the Director of the South Carolina Department of Corrections;

 (10) vehicles designated by the Commissioner commissioner of the Department of Health and Environmental Control when being used in the performance of law enforcement or emergency response duties;

 (11) federal law enforcement, military, and emergency vehicles; and

 (12) organ procurement organization vehicles, which means vehicles operated by organizations that perform or coordinate the procurement, preservation, and transport of organs and maintain systems for locating prospective recipients for available organs; and

 (13) publicly and privately owned and operated waste service vehicles as defined in Section 56‑5‑1897(B).

 (B) Only authorized emergency vehicles and private security patrol vehicles regulated by the State Law Enforcement Division are allowed use or display of any blue lights or red lights. This includes light bars and smaller lights such as dash, deck, or visor lights. To “display” means to be seen, whether activated or not.

 (C) A vehicle shall not display the word “police” unless it is an authorized emergency vehicle for use only by sworn police or other officers who are approved and certified by the South Carolina Criminal Justice Academy.

 (D) The provisions of this section do not apply to automobile dealerships, to police equipment suppliers that sell, deliver, or equip police vehicles to or for a law enforcement agency, to vehicles owned solely as collector’s items and used only for participation in club activities, exhibits, tours, parades, and similar uses, or to persons designated by an agency owning such a vehicle to drive the vehicle or drive an auxiliary vehicle transporting such a vehicle.

 (E) A publicly or privately owned or operated waste service vehicle may be equipped with a white flashing strobe light. The strobe light may be installed on the roof of the vehicle not to exceed one-third the body length forward from the rear of the roof’s edge.

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

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