



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 4712 Introduced on January 9, 2024
Author: Ott
Subject: Yard Debris on Public Highways
Requestor: House Agriculture, Natural Resources, and Environmental Affairs
RFA Analyst(s): Griffith
Impact Date: January 24, 2024

Fiscal Impact Summary

This bill makes it unlawful for a person to knowingly and willfully sweep, blow, move, place, or otherwise deposit yard debris or waste onto a public highway. A person who violates the provisions of the bill is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned not more than thirty days. The bill takes effect 180 days after approval by the Governor. For a period of 180 days after the effective date, only warning tickets may be issued.

The overall impact of the bill on the Department of Transportation (DOT) is undetermined and will depend on how the requirements are interpreted. The bill could affect contracts for highway mowing and maintenance. Additionally, DOT expressed that depending on how the provisions of the bill are interpreted, it may also affect trash collection by local governments.

Judicial reports that implementation of the bill may result in an increase in court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

As this bill creates new offenses, this may result in an increase in General Fund, Other Funds and local fine revenue. However, as the number of such offenses and the resulting fines and fees that might occur in a given year is unknown, the revenue impact is undetermined.

Explanation of Fiscal Impact

Introduced on January 9, 2024

State Expenditure

This bill makes it unlawful for a person to knowingly and willfully sweep, blow, move, place, or otherwise deposit yard debris or waste onto a public highway. A person who violates the provisions of the bill is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned not more than thirty days. The bill takes effect 180 days after approval by the Governor. For a period of 180 days after the effective date, only warning tickets may be issued.

Department of Transportation. DOT is unable to determine the total impact this bill will have on the department. The term “highway,” as defined in Code Section 57-3-120, includes roadways, pedestrian facilities, bridges, tunnels, viaducts, drainage structure, and all other facilities commonly considered component parts of highways, streets, or roads and also includes the entire area within the right-of-way. Additionally, DOT maintenance employees and contractors currently mow thousands of miles of grass along DOT’s rights-of-way. Per DOT’s mowing contracts, grass and debris must be removed within 72 hours of mowing. However, this bill could cause the department to be in immediate violation of the law depending on how it is interpreted.

Finally, DOT notes that local governments and their contractors may provide yard debris collection for their citizens. This often requires the placement of yard debris on rights-of-way to be removed on a periodic basis, but not immediately, therefore potentially placing local governments, contractors, citizens, or multiple entities in violation of the bill.

Judicial. Judicial reports that implementation of the bill may result in an increase in court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

State Revenue

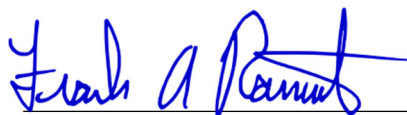
This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined impact on General Fund and Other Funds revenue due to the increase in fines and fees collections in court.

Local Expenditure

N/A

Local Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined impact on local revenue due to the increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director