



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. 5097	Introduced on February 4, 2026
Subject:	Roadside Markets	
Requestor:	House Agriculture, Natural Resources, and Environmental Affairs	
RFA Analyst(s):	Daigle	
Impact Date:	February 19, 2026	

Fiscal Impact Summary

This bill creates exemptions for roadside markets, including that a roadside market cannot be classified or required by a county or municipality to be zoned as a commercial operation. Moreover, a roadside market is exempt from local government stormwater regulations, stormwater permitting requirements, and local building codes, including permitting, inspection, and construction requirements otherwise applicable to commercial or retail structures. In addition, a roadside market is exempt from the provisions of the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act.

This bill does not create new responsibilities for the Department of Agriculture and, therefore, will not increase expenses for the department. The Department of Environmental Services (DES) indicates that any reduction in workload from monitoring compliance of roadside markets in relation to the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act would be minimal and, therefore, will not result in a reduction in workload.

This bill may reduce Other Fund permit fees due to the new roadside market exemption from the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act. Based on information from DES, any reduction in fees from roadside markets would be minimal.

RFA reached out to all counties and the Municipal Association of South Carolina (MASC) to ascertain the fiscal impact of this bill on localities and received a response from Florence, Dorchester, and Lancaster Counties and MASC. Florence County indicates that this bill may increase expenses by an undetermined amount due to an increase in workload for the jurisdiction in order to respond to an increase in citizen complaints about roadside markets' structural composition and/or appearance. MASC indicates that this bill may increase expenses for municipalities by an undetermined amount associated with stormwater or drainage impacts; however, they anticipate any increase in expenses will be minimal.

This bill will reduce permit and licensure revenues collected by localities due to the roadside market exemptions. Dorchester and Florence Counties both indicate that this bill will reduce permit fee revenue and business license fee revenue by an undetermined amount due to the roadside market exemptions. Lancaster indicates that any reduction in revenue will be minimal as the county does not currently have many active roadside markets. MASC indicates that this

bill is expected to reduce permit revenues by an undetermined amount; however, MASC anticipates any reduction in revenue to be minimal.

Explanation of Fiscal Impact

Introduced on February 4, 2026

State Expenditure

This bill creates exemptions for roadside markets, which are direct-to-consumer points located near a roadway where an individual farmer sells farm products produced on his farm to the general public that is not a multivendor farmers' market or similar outlet. This bill states that a roadside market cannot be classified or required by a county or municipality to be zoned as a commercial operation. Moreover, a roadside market is exempt from local government stormwater regulations, stormwater permitting requirements, and local building codes, including permitting, inspection, and construction requirements otherwise applicable to commercial or retail structures. In addition, a roadside market is exempt from the provisions of the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act. These exemptions do not apply to roadside markets that are seeking certification as a Certified Roadside Market by the Department of Agriculture under the Roadside Market Incentive Program.

This bill does not create new responsibilities for the Department of Agriculture or DES and, therefore, will not increase expenses for the departments. DES indicates that any reduction in workload from monitoring compliance of roadside markets in relation to the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act would be minimal and, therefore, will not result in a reduction in workload.

State Revenue

This bill may reduce Other Fund permit fees due to the new roadside market exemption from the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act. Based on information from DES, any reduction in fees from roadside markets will be minimal.

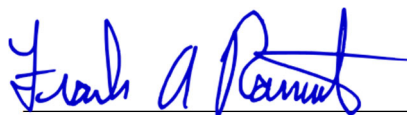
Local Expenditure

RFA reached out to all counties and MASC to ascertain the expenditure impact of this bill on localities and received a response from Florence County and MASC. Florence County indicates that this bill may increase expenses by an undetermined amount due to an increase in workload for the jurisdiction in order to respond to complaints. Florence anticipates that because the definition of roadside market in this bill does not include size, structural, or location requirements, there may be an increase in citizen complaints of roadside markets' structural composition and/or appearance. MASC indicates that this bill may increase expenses for municipalities by an undetermined amount associated with stormwater or drainage impacts; however, they anticipate any increase in expenses will be minimal.

In addition, both Florence and Dorchester Counties have expressed concerns about the safety of roadside markets as defined in this bill. Both counties indicate that since the definition of roadside market is vague, roadside markets may present safety hazards and increase flooding depending on the location, size, and structural composition of the markets.

Local Revenue

RFA reached out to all counties and MASC to ascertain the revenue impact of this bill on localities and received a response from Florence, Dorchester, Lancaster Counties and MASC. Florence and Dorchester Counties both indicate that this bill will reduce permit fee revenue and business license fee revenue by an undetermined amount due to the roadside market exemptions. Lancaster indicates that any reduction in revenue due to the roadside market exemptions will be minimal as the county does not currently have many active roadside markets. MASC indicates that this bill is expected to reduce permit revenues by an undetermined amount; however, MASC anticipates any reduction in revenue to be minimal.



Frank A. Rainwater, Executive Director