

NO. 53

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025**

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**WEDNESDAY, APRIL 29, 2026**  
**(STATEWIDE SESSION)**

**Wednesday, April 29, 2026**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Jeff Lingerfelt as follows:

Our thought for today is from Psalm 33:15: “He who fashions the hearts of all the inhabitants of the earth, He alone understands all their works.”

Let us pray:

O Lord and our Father, You are our creator; we are the clay, and You are the potter; we are all the work of Your hand. The rich and the poor have this in common: the Lord is the maker of them all. You fashioned us in Your image, so that we may be your Image bearer on this earth. Not only did You make us, but you also understand all the inhabitants of the cosmos. You made Your image-bearers upright, but man has distorted Your Perfection, so much so, that You saw that the wickedness of man was great upon the earth, and that every inclination of the thoughts of his heart was altogether evil all the time. Lord as fallen creatures, we, Your eternal creatures stand in need of divine grace. Lead, guide and direct Your appointed leaders, so that we might govern as You would have us do this day. As the Potter who fashioned us for this day, help us to glorify You in all we seek to accomplish by Your Omnipotent, all-powerful hand. Now to the King eternal, immortal, and invisible, the only God, be honor and glory forever and ever. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. KING moved that when the House adjourns, it adjourn in memory of Dorothy F. Cobb, which was agreed to.

**WEDNESDAY, APRIL 29, 2026**

**In Memory of Mrs. Dorothy "Dot" Cobb**

Mr. Speaker and Members,

Today, I rise with a heavy heart but deep gratitude as we honor the life of Mrs. Dorothy "Dot" Cobb of York County.

Mrs. Cobb was a devoted educator who served the York School District for more than thirty years. She shaped young minds, instilled discipline, and impacted generations. Her classroom, affectionately known as "Cobb County," reflected the respect she commanded and the care she showed every student.

Her service extended beyond education. A woman of strong faith, she served faithfully in her church, giving her time to the usher board, the choir, and Pastor Aide with humility and love.

Mrs. Cobb was also deeply committed to her community. Through her work with the NAACP and other organizations, she remained a steady and respected presence, known for her wisdom, strength, and kindness.

Above all, she was devoted to her family—a loving grandmother, great-grandmother, and great-great-grandmother whose legacy will live on through them.

Today, we honor her life, her service, and her impact.

Mr. Speaker, I ask that when we adjourn, we do so in loving memory of Mrs. Dorothy "Dot" Cobb.

Rep. John Richard C. King

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 28, 2026

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor's reappointment of:

**LOCAL REAPPOINTMENT**

Berkeley County Master-in-Equity

Term Commencing: November 7, 2026

Term Expiring: November 7, 2032

Type: Reappointment

Vice: Self

Hon. J. Camden West

Post Office Box 609

[HJ]

**WEDNESDAY, APRIL 29, 2026**

Moncks Corner, South Carolina 29461

Very Respectfully,  
President of the Senate  
Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. LONG, from the Spartanburg Delegation, submitted a favorable report on:

H. 5573 -- Reps. Long, Chumley, Edgerton, Magnuson, Lawson and Moss: A BILL TO AMEND ACT 813 OF 1946, AS AMENDED, RELATING TO THE CREATION OF THE SPARTANBURG MEMORIAL AUDITORIUM COMMISSION SO AS TO CHANGE THE COMPOSITION OF THE COMMISSION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5601 -- Reps. Oremus, Clyburn, Taylor, Hixon and Hartz: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. CHRISTIE PALLADINO, A TEACHER AT AIKEN COUNTY'S CAREER AND TECHNOLOGY CENTER WHERE SHE LEADS THE BIOMEDICAL SCIENCE PROGRAM, AND TO CONGRATULATE HER FOR BEING NAMED THE 2027 SOUTH CAROLINA TEACHER OF THE YEAR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5602 -- Reps. Collins, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey,

[HJ]

**WEDNESDAY, APRIL 29, 2026**

Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE FOOTHILLS PLAYHOUSE OF EASLEY UPON THE OCCASION OF ITS FORTY-FIFTH ANNIVERSARY AND TO COMMEND THE THEATER FOR ITS MANY YEARS OF OUTSTANDING PERFORMANCES AND SERVICE TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5603 -- Reps. Govan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE MS. RUTH BARTLEY BROWN OF ORANGEBURG COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO

**WEDNESDAY, APRIL 29, 2026**

WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5604 -- Reps. Govan, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO HONOR AND RECOGNIZE THE FEARLESS INDIVIDUALS REACHING EXCELLENCE YOUTH COALITION FOR BEING NAMED THE 2026 NATIONAL GROUP YOUTH ADVOCATES OF THE YEAR BY THE CAMPAIGN FOR TOBACCO-FREE KIDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5605 -- Reps. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank,

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**WEDNESDAY, APRIL 29, 2026**

Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SENIOR CORPORAL DANIEL DINKINS AND SENIOR CORPORAL ZACHARY RUTAN OF THE SUMTER COUNTY SHERIFF'S OFFICE FOR THEIR EXTRAORDINARY COURAGE, PROFESSIONALISM, AND DEVOTION TO DUTY IN THE FACE OF GRAVE PERSONAL DANGER, TO COMMEND THEM FOR THEIR HEROIC SERVICE IN A LINE OF DUTY THAT EXEMPLIFIES THE HIGHEST STANDARDS OF LAW ENFORCEMENT AND PUBLIC SERVICE, AND TO CONGRATULATE THEM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5606 -- Reps. Robbins, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore,

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**WEDNESDAY, APRIL 29, 2026**

Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DORCHESTER ACADEMY JUNIOR VARSITY CHEER SQUAD, ITS COACH, AND SCHOOL OFFICIALS FOR A SUPERB SEASON AND TO CONGRATULATE THEM ON WINNING THE 2025 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION JV GAME DAY STATE CHAMPIONSHIP TITLE FOR THE CLASS 1A/2A DIVISION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5607 -- Reps. Hixon, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE CLEMSON LIVESTOCK POULTRY HEALTH ON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY AND CONGRATULATE AND HONOR THE LIVESTOCK POULTRY HEALTH COMMISSION AND ITS PERSONNEL FOR THEIR

**WEDNESDAY, APRIL 29, 2026**

YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5608 -- Reps. Bailey, Alexander, Anderson, Atkinson, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Laster, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE JUNE 15-21, 2026, AS "WASTE AND RECYCLING WORKERS WEEK" IN SOUTH CAROLINA.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5609 -- Reps. Crawford, Guest, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman,

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**WEDNESDAY, APRIL 29, 2026**

Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO AUTHORIZE THE SOUTH CAROLINA SILVER-HAIRED LEGISLATURE TO USE THE BLATT BUILDING AND THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES ON WEDNESDAY, SEPTEMBER 9, 2026, UNLESS THE HOUSE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE, AND TO PROVIDE FOR THE USE OF THE HOUSE CHAMBER ON AN ALTERNATE DATE AND TIME AS MAY BE SELECTED BY THE SPEAKER.

Be it resolved by the House of Representatives:

That the South Carolina Silver-Haired Legislature is authorized to use the Blatt Building and the chamber of the South Carolina House of Representatives on Wednesday, September 9, 2026, provided the House of Representatives is not in session on that date. If the House of Representatives is in statewide session or the chamber is otherwise unavailable, the House chamber may not be used on that date but may be used by the South Carolina Silver-Haired Legislature on an alternate date and time as may be selected by the Speaker.

Be it further resolved that the use of the Blatt Building and the chamber of the South Carolina House of Representatives by the South Carolina Silver-Haired Legislature must be in accordance with the policies and Rules of the South Carolina House of Representatives.

The Resolution was adopted.

**WEDNESDAY, APRIL 29, 2026**

**HOUSE RESOLUTION**

The following was introduced:

H. 5610 -- Reprs. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE MAY 11 THROUGH MAY 17, 2026, AS "POLICE WEEK IN SOUTH CAROLINA" AND TO HONOR THE SERVICE AND SACRIFICE OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY WHILE PROTECTING OUR COMMUNITIES AND SAFEGUARDING DEMOCRACY.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5611 -- Reprs. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones,

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**WEDNESDAY, APRIL 29, 2026**

Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SENIOR INVESTIGATOR EDWARD M. BOYLES OF THE SUMTER COUNTY SHERIFF'S OFFICE FOR HIS EXTRAORDINARY COURAGE, SWIFT ACTIONS, AND EXCEPTIONAL DEDICATION TO PROTECTING THE LIVES OF OTHERS AND TO COMMEND HIS HEROIC SERVICE IN THE LINE OF DUTY AS DESERVING OF THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5612 -- Reprs. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoun, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO HONOR CORPORAL KRISTIAN GOING, DEPUTY WANDA ALEXANDER, DEPUTY SANDRA

**WEDNESDAY, APRIL 29, 2026**

STINSON, AND DEPUTY RICHARD GRIFFIN OF THE CHESTER COUNTY SHERIFF'S OFFICE FOR EXCEPTIONAL COURAGE AND DECISIVE ACTION IN RESPONDING TO A DANGEROUS HOSTAGE SITUATION, COMMEND THEM FOR THEIR HEROIC SERVICE IN THE LINE OF DUTY, AND CONGRATULATE THEM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5613 -- Reprs. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DEPUTY W. H. BROWN AND CORPORAL T. FLOYD OF THE LANCASTER COUNTY SHERIFF'S OFFICE FOR EXTRAORDINARY COURAGE, COMPOSURE, AND DEVOTION OF DUTY IN THE FACE OF DEADLY DANGER, TO COMMEND THEM FOR THEIR HEROIC SERVICE IN THE LINE OF DUTY, AND TO CONGRATULATE THEM UPON RECEIVING THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Resolution was adopted.

**WEDNESDAY, APRIL 29, 2026**

**HOUSE RESOLUTION**

The following was introduced:

H. 5614 -- Reps. Wooten, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DEPUTY ELIJAH PIERCE OF THE ANDERSON COUNTY SHERIFF'S OFFICE FOR HIS EXTRAORDINARY COURAGE, SELFLESSNESS, AND DECISIVE ACTIONS DURING THE LIFE-THREATENING RESCUE OF THREE-YEAR-OLD BENNETT DORNELLAS ON MAY 8, 2024, AND TO COMMEND HIM FOR HIS HEROIC ACTIONS IN THE LINE OF DUTY AS DESERVING OF THE SOUTH CAROLINA SHERIFFS' ASSOCIATION MEDAL OF VALOR.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5615 -- Reps. Kirby, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan,

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Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE KINGSTREE FEDERAL SAVINGS AND LOAN ON THE CELEBRATION OF ONE HUNDRED YEARS OF SERVICE TO KINGSTREE AND WILLIAMSBURG COUNTY AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS AHEAD.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1125 -- Senator Sabb: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SANTEE ROAD IN WILLIAMSBURG COUNTY FROM JUNE BRANCH CREEK TO ITS INTERSECTION WITH CHARLESTON ROAD "TYRONE A. BURROUGHS ROAD" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 5616 -- Rep. Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-19-210, RELATING TO THE CERTIFICATE OF TITLE REQUIRED TO

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SELL OR MORTGAGE A VEHICLE, SO AS TO AUTHORIZE A SOUTH CAROLINA MOTOR VEHICLE DEALER TO SELL A MOTOR VEHICLE THROUGH CONSIGNMENT.

Referred to Committee on Labor, Commerce and Industry

H. 5617 -- Rep. Bowers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-13-150, RELATING TO THE FURNISHING OF COPIES OF WARRANTS TO PERSONS SUBJECT TO SEARCH WARRANTS, SO AS TO REMOVE PROVISIONS REQUIRING A COPY OF THE AFFIDAVIT AND REQUIRE A COPY OF THE INVENTORY BE PROVIDED IF DEMANDED BY THE PERSON WHOSE PROPERTY IS TAKEN SUBJECT TO A SEARCH WARRANT.

Referred to Committee on Judiciary

S. 903 -- Senators Young, Grooms, Johnson, Zell, Stubbs and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 27-30-130, RELATING TO THE ENFORCEABILITY OF GOVERNING DOCUMENTS, RECORDING REQUIREMENTS, RULES, REGULATIONS, AND AMENDMENTS, SO AS TO REQUIRE CERTAIN HOMEOWNERS ASSOCIATION DOCUMENTS TO BE SUBJECT TO SECTION 30-5-30.

Referred to Committee on Labor, Commerce and Industry

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Ford	Forrest	Frank
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard

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Gilreath	Govan	Grant
Guest	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Howard	Huff	J. E. Johnson
J. L. Johnson	Jones	Jordan
Kilmartin	King	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCray	McDaniel
McGinnis	C. Mitchell	D. Mitchell
Montgomery	J. Moore	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pace	Pedalino	Pope
Rankin	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
Sessions	G. M. Smith	Stavrinakis
Taylor	Teeple	Terrible
Vaughan	Waters	Weeks
Wetmore	White	Whitmire
Wickensimer	Williams	Willis
Wooten	Yow	

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. SPANN-WILDER a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. GUFFEY a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HARTZ a leave of absence for the day.

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ERICKSON a leave of absence for the day due to family medical reasons.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**SPECIAL PRESENTATION**

Rep. BAMBERG presented to the House the Bamberg-Ehrhardt High School "Red Raiders" 1A State Football Champions.

**SPECIAL PRESENTATION**

Rep. GOVAN presented to the House the Calhoun County High School "Saints" Marching Band State Champions.

**SPECIAL PRESENTATION**

Rep. ATKINSON presented to the House the Pee Dee Academy "Golden Eagles" 3A 2025 SCISA Softball State Champions.

**ACTING SPEAKER HIOTTIN CHAIR**

**SPECIAL PRESENTATION**

Rep. POPE presented to the House the Clover High School "Blue Eagles" AAAAA Wrestling State Championship Team.

**SPECIAL PRESENTATION**

Rep. POPE presented to the House the Clover High School "Lady Blue Eagles" AAAAA Girls Cross Country State Championship Team.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Victoria Pollard of Inman was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove

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his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3030  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3310  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3526  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 3849  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4042  
Date: ADD:  
04/29/26 DUNCAN

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4622  
Date: ADD:  
04/29/26 ALEXANDER

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**CO-SPONSOR(S) ADDED**

Bill Number: H. 4641  
Date: ADD:  
04/29/26 BALLENTINE

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4790  
Date: ADD:  
04/29/26 CRAWFORD and HARDEE

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4791  
Date: ADD:  
04/29/26 HARDEE and CALHOON

**CO-SPONSOR(S) ADDED**

Bill Number: H. 4795  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 5285  
Date: ADD:  
04/29/26 CRAWFORD

**CO-SPONSOR(S) ADDED**

Bill Number: H. 5504  
Date: ADD:  
04/29/26 BERNSTEIN

**SPEAKER *PRO TEMPORE* IN CHAIR**

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. KING a leave of absence for the remainder of the day.

**ACTING SPEAKER HIOTT IN CHAIR**

[HJ]

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**S. 416--DEBATE ADJOURNED**

The following Bill was taken up:

S. 416 -- Senators Hembree and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-210, RELATING TO GROUNDS FOR WHICH TRUSTEES MAY EXPEL, SUSPEND, OR TRANSFER PUPILS; PETITIONS FOR READMISSION; AND EXPULSION, SUSPENSION, OR TRANSFER, SO AS TO PROHIBIT EXPELLED STUDENTS FROM ENTERING SCHOOL OR SCHOOL GROUNDS INCLUDING ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING A SCHOOL BUS, TO FURTHER PROHIBIT SUSPENDED STUDENTS FROM ENTERING THE SCHOOL OR SCHOOL GROUNDS EXCEPT FOR ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING THE SCHOOL BUS; BY AMENDING SECTION 59-63-235, RELATING TO THE EXPULSION OF A STUDENT DETERMINED TO HAVE BROUGHT A FIREARM TO SCHOOL, SO AS TO REQUIRE A STUDENT TO BE EXPELLED FOR NO LESS THAN ONE ACADEMIC YEAR FOR KNOWINGLY BRINGING A FIREARM TO A SCHOOL, TO ESTABLISH THE EXPULSION HEARING BE CONDUCTED BY THE DISTRICT BOARD OF TRUSTEES AND TO ALLOW AN EXPELLED STUDENT TO RECEIVE EDUCATIONAL SERVICES IN ALTERNATIVE SETTINGS TO INCLUDE VIRTUAL PROGRAMMING; AND BY AMENDING SECTION 59-63-250, RELATING TO THE TRANSFER OF PUPILS, SO AS TO CLARIFY THAT A BOARD MAY TRANSFER A PUPIL WITHIN THE SCHOOL DISTRICT AND REQUIRE NOTIFICATION AND INPUT FROM THE PRINCIPAL AT THE RECEIVING SCHOOL.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 718--DEBATE ADJOURNED**

The following Bill was taken up:

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

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Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 851--DEBATE ADJOURNED**

The following Bill was taken up:

S. 851 -- Senators Alexander, Young and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-900 SO AS TO DEFINE TERMS PERTAINING TO THE FINANCIAL EXPLOITATION OF AN ELIGIBLE ADULT AND TO OUTLINE A PROCEDURE FOR ESTABLISHING EMERGENCY CONTACTS FOR AN ELIGIBLE ADULT TO PROTECT THE ELIGIBLE ADULT FROM FINANCIAL EXPLOITATION.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 196--DEBATE ADJOURNED**

The following Bill was taken up:

S. 196 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 91 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS, EXEMPTIONS, AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE, PROVIDE EXEMPTIONS FOR EXAMINATION, REQUIRE CONTINUING EDUCATION, ESTABLISH A PROCESS FOR RENEWAL, SET STANDARDS OF CONDUCT FOR ADJUSTERS, AND TO PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE AND PENALTIES, AMONG OTHER THINGS; BY ADDING CHAPTER 92 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE AND PROVIDE EXEMPTIONS TO EXAMINATION, PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE, REQUIRE A BOND OR LETTER OF CREDIT, REQUIRE CONTINUING EDUCATION, ALLOW FOR FEES, AND SET STANDARDS OF CONDUCT FOR PUBLIC ADJUSTERS, AMONG OTHER THINGS; TO AMEND SECTION 38-1-20, RELATING TO

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DEFINITIONS, SO AS TO PROVIDE A DEFINITION; AND BY REPEALING CHAPTERS 47 AND 48 OF TITLE 38.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 150--DEBATE ADJOURNED**

The following Bill was taken up:

S. 150 -- Senators Blackmon and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA RENTAL KART AGE ACT"; BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO PROVIDE THAT AN INDIVIDUAL IS ALLOWED TO OPERATE A RENTAL KART IF THEY ARE EIGHTEEN YEARS OF AGE OR OLDER OR ARE FIFTEEN YEARS OF AGE OR OLDER AND HOLD A VALID DRIVER'S LICENSE OR PERMIT; AND BY AMENDING SECTION 41-18-40, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA AMUSEMENT PARK RIDES SAFETY CODE, SO AS TO MAKE CONFORMING CHANGES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 697--DEBATE ADJOURNED**

The following Bill was taken up:

S. 697 -- Senator Gambrell: A BILL TO TRANSFER THE SOUTH CAROLINA 211 NETWORK TO THE DEPARTMENT OF CONSUMER AFFAIRS; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-6-515 SO AS TO CREATE THE SOUTH CAROLINA 211 NETWORK WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY AMENDING SECTION 1-11-770, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO MAKE CONFORMING CHANGES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

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**S. 715--DEBATE ADJOURNED**

The following Bill was taken up:

S. 715 -- Senators Sutton, Rice, Elliott and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-50, RELATING TO ORGANIZATIONS EXEMPT FROM REGISTRATION PROVISIONS, ALTERNATE FILINGS, AND FUNDRAISING ACTIVITIES, SO AS TO INCREASE THRESHOLDS FOR CHARITIES REQUESTING EXEMPTIONS; BY AMENDING SECTION 33-56-70, RELATING TO THE REQUIREMENT THAT CONTRACTS WITH PROFESSIONAL SOLICITORS MUST BE IN WRITING, FILING REQUIREMENTS, JOINT FINANCIAL REPORTS FOR EACH CAMPAIGN, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO LIMIT FILING REQUIREMENTS TO COMMERCIAL CO-VENTURERS UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 33-56-90, RELATING TO DISCLOSURES TO SOLICITED PARTIES, SO AS TO REQUIRE ANY ENTITY THAT SOLICITS FOR CHARITABLE ORGANIZATIONS TO DISCLOSE THE LEGAL NAME AND PURPOSE OF THE CHARITY FOR WHICH THEY ARE SOLICITING; BY AMENDING SECTION 33-56-110, RELATING TO THE REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO LIMIT REGISTRATION REQUIREMENTS FOR COMMERCIAL CO-VENTURERS SOLICITING MORE THAN TEN THOUSAND DOLLARS IN A SINGLE SOLICITATION CAMPAIGN; BY AMENDING SECTION 33-56-110, RELATING TO REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO PROVIDE THAT IF A COMMERCIAL CO-VENTURER INTENDING TO BE EXEMPT FROM REGISTRATION WITH THE SECRETARY OF STATE COLLECTS, EARNS, OR RECEIVES CHARITABLE CONTRIBUTIONS IN EXCESS OF TEN THOUSAND DOLLARS DURING A SOLICITATION CAMPAIGN, THEN THE COMMERCIAL CO-VENTURER SHALL REPORT TO THE SECRETARY OF STATE; AND BY AMENDING SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO PROHIBIT COMMERCIAL CO-VENTURERS FROM USING REGISTRATION WITH THE SECRETARY OF STATE AS AN ENDORSEMENT BY THE STATE.

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Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 325--DEBATE ADJOURNED**

The following Bill was taken up:

S. 325 -- Senators Massey, Alexander, Walker and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-145 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR," SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104(6), 37-6-117(I), 37-6-501 THROUGH 510, 37-6-602, AND 37-6-604(B), ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 163--DEBATE ADJOURNED**

The following Bill was taken up:

S. 163 -- Senators Verdin and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROHIBIT A GOVERNING AUTHORITY FROM ACCEPTING OR REQUIRING PAYMENT USING CENTRAL BANK DIGITAL CURRENCY OR PARTICIPATING IN A TEST OF CENTRAL BANK DIGITAL CURRENCY; TO PERMIT INDIVIDUALS OR BUSINESSES USING DIGITAL CURRENCY FOR TRANSACTIONS; TO PROVIDE THAT DIGITAL ASSETS

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MAY NOT BE SINGLED OUT FOR DISPARATE TAX TREATMENT; TO PROVIDE THAT DIGITAL CURRENCY TRANSACTION MAY BE TAXED IF THE TAXATION IS THE SAME AS IF THE TRANSACTION USED UNITED STATES LEGAL TENDER; TO PROVIDE THAT DIGITAL CURRENCY OPERATIONS MAY BE NOT BE SUBJECTED TO DISPARATE ZONING TREATMENT; TO PROVIDE THAT DIGITAL ASSET MINING BUSINESS OPERATIONS SHALL NOT PLACE ANY ADDITIONAL STRESS ON THE ELECTRICAL GRID FOR WHICH THEY ARE CONNECTED AND TO PROVIDE THAT DIGITAL MINING BUSINESSES MUST PROVIDE CERTAIN INFORMATION TO THE PUBLIC SERVICE COMMISSION UPON REQUEST; TO PROVIDE THAT THOSE ENGAGED IN DIGITAL MINING OPERATIONS DO NOT HAVE TO OBTAIN CERTAIN LICENSES AND THAT THOSE WHO PROVIDE CERTAIN SERVICES RELATED TO DIGITAL MINING OR STAKING ARE NOT OFFERING A SECURITY; TO PROVIDE THAT THE ATTORNEY GENERAL CAN PROSECUTE AN INDIVIDUAL WHO OR BUSINESS THAT FRAUDULENTLY CLAIM TO BE OFFERING DIGITAL ASSET MINING AS SERVICE OR STAKING AS A SERVICE; AND TO DEFINE NECESSARY TERMS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 3371--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3371 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-2420, RELATING TO ADMISSIONS TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY CERTAIN NONPROFIT BUSINESS LEAGUES AND CHAMBERS OF COMMERCE.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 5488--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5488 -- Reps. B. Newton and M. M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING  
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SECTION 12-65-20, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO SPECIFY QUALIFYING REQUIREMENTS FOR CERTAIN REHABILITATION EXPENSES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 5122--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5122 -- Reps. B. Newton, Bannister, Herbkersman, Yow, C. Mitchell, Rose, Cobb-Hunter, Lawson, Brewer, Kirby, Ballentine, Rutherford, Hiott, Gagnon, Guest, M. M. Smith, Howard, Pope, Grant, Anderson, Schuessler, G. M. Smith, Caskey and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 31 TO CHAPTER 9, TITLE 58 SO AS TO PERMIT CERTAIN ITEMS SOLD TO OR USED BY INTERNET ACCESS SERVICE PROVIDERS AND COMMUNICATIONS SERVICE PROVIDERS TO BE EXEMPT FROM SALES TAX.

Rep. TEEPLE moved to adjourn debate on the Bill, which was agreed to.

**S. 11--DEBATE ADJOURNED**

The following Bill was taken up:

S. 11 -- Senators Jackson and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-150(A), RELATING TO PAID PARENTAL LEAVE, SO AS TO AMEND THE DEFINITION OF "ELIGIBLE STATE EMPLOYEE."

Rep. TEEPLE moved to adjourn debate on the Bill, which was agreed to.

**S. 853--DEBATE ADJOURNED**

The following Bill was taken up:

S. 853 -- Senators Davis, Hutto, Sutton, Graham, Turner, Stubbs, Matthews, Zell, Campsen, Kimbrell and Walker: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING

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SECTION 12-67-120, RELATING TO THE ABANDONED BUILDINGS REVITALIZATION ACT DEFINITIONS, SO AS TO CLARIFY THAT THE EXISTENCE OF AN INCOME-PRODUCING USE PRIOR TO THE PERIOD OF ABANDONMENT IS NOT A REQUIREMENT FOR ELIGIBILITY; BY AMENDING SECTION 12-67-130, RELATING TO APPLICABILITY, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-67-140, RELATING TO ELIGIBILITY FOR THE CREDIT, SO AS TO CLARIFY CERTAIN TIMING CONSIDERATIONS RELATED TO THE FILING OF A NOTICE OF INTENT TO REHABILITATE AN ABANDONED BUILDING AND TO CLARIFY THAT ABANDONED BUILDING TAX CREDITS MAY NOT SERVE AS COLLATERAL FOR ANY DEBT; AND BY AMENDING SECTION 12-67-160, RELATING TO THE CERTIFICATION OF ABANDONED BUILDING SITES, SO AS TO REMOVE A REQUIREMENT FOR CERTAIN CERTIFICATIONS OF STATE-OWNED ABANDONED BUILDING SITES.

Rep. TEEPLE moved to adjourn debate on the Bill, which was agreed to.

**S. 439--DEBATE ADJOURNED**

The following Bill was taken up:

S. 439 -- Senators Peeler, Turner, Davis, Bennett, Verdin, Alexander, Grooms, Kimbrell, Johnson, Jackson, Sutton, Cromer, Climer, Adams, Zell and Young: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCREASE THE MAXIMUM REIMBURSEMENT AMOUNT FOR THE EXEMPTION ON CERTAIN MANUFACTURING PROPERTY.

Rep. TEEPLE moved to adjourn debate on the Bill, which was agreed to.

**S. 863--DEBATE ADJOURNED**

The following Bill was taken up:

S. 863 -- Senators Grooms, Cromer, Martin, Bennett, Rankin, Tedder, Sutton and Matthews: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING

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TO THE STATE'S MISSION AND GOALS FOR HIGHER EDUCATION, SO AS TO PROVIDE FOR AN APPLIED BACCALAUREATE IN CULINARY ARTS MANAGEMENT DEGREE FROM INSTITUTIONS THAT ARE PART OF THE STATE TECHNICAL AND COMPREHENSIVE EDUCATION SYSTEM; AND BY AMENDING SECTION 59-103-15, RELATING TO FUNDING FOR CERTAIN DEGREES, SO AS TO PROVIDE THAT APPLIED BACCALAUREATE IN CULINARY ARTS MANAGEMENT DEGREE PROGRAMS ARE ONLY ALLOWED IF STATE FUNDS ARE NOT APPROPRIATED TO FUND THE PROGRAMS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**OBJECTION TO RECALL**

Rep. PACE asked unanimous consent to recall H. 4717 from the Committee on Judiciary.

Rep. GARVIN objected.

**OBJECTION TO RECALL**

Rep. EDGERTON asked unanimous consent to recall H. 4671 from the Committee on Judiciary.

Rep. GARVIN objected.

**OBJECTION TO RECALL**

Rep. KILMARTIN asked unanimous consent to recall H. 5183 from the Committee on Judiciary.

Rep. GOVAN objected.

**OBJECTION TO RECALL**

Rep. BEACH asked unanimous consent to recall H. 5398 from the Committee on Ways and Means.

Rep. BANNISTER objected.

**OBJECTION TO RECALL**

Rep. CROMER asked unanimous consent to recall H. 4522 from the Committee on Judiciary.

Rep. GILLIARD objected.

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**H. 3768--DEBATE ADJOURNED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3768 -- Reps. Brewer, Gatch, Robbins, Schuessler and Sessions: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ACT 36 OF 2019, RELATING TO HIGHWAY SYSTEM CONSTRUCTION, SO AS TO CHANGE THE SUNSET EXPIRATION PROVISION TO JULY 1, 2031.

Rep. HEWITT moved to adjourn debate on the Senate Amendments, which was agreed to.

**H. 4042--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4042 -- Reps. Kilmartin, White, Gilreath, Cromer, Guffey, Harris, Hager, McCravy, Edgerton, Terribile, Magnuson, Lastinger, D. Mitchell, Sessions, Chapman, Brewer, Lawson, Oremus, Hartz, Vaughan, Pedalino, Teeple, Landing, Rankin, Schuessler, Ligon, Long, Sanders, Ford, T. Moore, Forrest, Chumley, Bowers, Taylor, Hixon, M. M. Smith, Gibson and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-53-150 SO AS TO AUTHORIZE THE OVER-THE-COUNTER SALE OF IVERMECTIN TABLETS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 4737--DEBATE ADJOURNED**

The following Bill was taken up:

H. 4737 -- Reps. McGinnis and Grant: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-35 SO AS TO CREATE A MANDATORY ORIENTATION TRAINING PROGRAM FOR NEW MEMBERS OF THE BOARDS OF TRUSTEES OF THE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE, TO PROVIDE SPECIFIC REQUIREMENTS FOR THE PROGRAM, AND TO PROVIDE RELATED DUTIES OF THE PRESIDENT AND BOARD SECRETARY OF EACH INSTITUTION.

[HJ]

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Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 3197--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3197 -- Reps. Erickson, G. M. Smith, Wooten, Pope, Martin, W. Newton, Grant, Robbins, Vaughan, Alexander, Govan, Hartnett, Henderson-Myers, Kirby, Gilliard, Rivers and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-485 SO AS TO ESTABLISH A STATEWIDE WORKFORCE READINESS GOAL; BY ADDING SECTION 59-29-245 SO AS TO PROVIDE REMEDIATION IN COURSES IN LITERACY AND MATHEMATICS TO HIGH SCHOOL SENIORS SEEKING POST-SECONDARY STUDIES BUT LACKING REQUISITE ACADEMIC PREPARATION, TO PROVIDE THIS COURSEWORK MAY BE USED TO MEET HIGH SCHOOL GRADUATION REQUIREMENTS, AND TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, STATE BOARD OF EDUCATION, AND THE STATE TECHNICAL COLLEGE SYSTEM; BY ADDING SECTION 59-39-105 SO AS TO PROVIDE HIGH SCHOOL SENIORS SHALL COMPLETE AND SUBMIT A FREE APPLICATION FOR FEDERAL STUDENT AID BEFORE GRADUATING FROM HIGH SCHOOL, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED REQUIREMENTS FOR THE IMPLEMENTATION OF THESE PROVISIONS, AND TO MAKE THESE PROVISIONS APPLICABLE BEGINNING WITH THE 2026-2027 SCHOOL YEAR; BY AMENDING SECTION 59-26-35, RELATING TO EDUCATOR PREPARATION PROGRAM EVALUATIONS AND THE SOUTH CAROLINA EDUCATOR PREPARATION REPORT CARD, SO AS TO TRANSFER PRIMARY RESPONSIBILITY FOR CONDUCTING THESE EVALUATIONS AND PRODUCING THIS REPORT CARD TO THE STATE DEPARTMENT OF EDUCATION, AMONG OTHER THINGS; AND BY ADDING SECTION 41-1-140 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN AND PROVIDE FREE ONLINE ACCESS TO INFORMATION REGARDING THE ECONOMIC VALUE OF COLLEGE MAJORS, AMONG OTHER THINGS.

[HJ]

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Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 5057--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5057 -- Reps. Ballentine, Cobb-Hunter, Taylor, Gilliard, Rivers and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-150-420 SO AS TO PROVIDE THAT LOTTERY RETAILERS MAY USE CERTAIN LOTTERY TICKET VENDING MACHINES; AND BY AMENDING SECTION 12-21-2710, RELATING TO TYPES OF MACHINES AND DEVICES PROHIBITED BY LAW, SO AS TO PROVIDE FOR AN EXCEPTION.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**S. 831--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 831 -- Senators Grooms, Jackson, Kimbrell, Sutton and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH A COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND DEFINE ITS MEMBERSHIP, POWERS, AND RESPONSIBILITIES; BY AMENDING SECTION 57-1-360, RELATING TO THE CHIEF INTERNAL AUDITOR, SO AS TO CLARIFY QUALIFICATIONS AND SCOPE OF ACTIVITIES; BY AMENDING SECTION 57-1-370, RELATING TO THE DEVELOPMENT OF A LONG-RANGE STATEWIDE TRANSPORTATION PLAN, SO AS TO MANDATE THAT THE DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR DEVELOPING THE PLAN; BY AMENDING SECTION 57-3-20, RELATING TO RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES, SO AS TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO ALLOW THE DEPARTMENT TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS; BY AMENDING SECTION 57-3-

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615, RELATING TO HIGHWAY TOLLS AND USAGE, SO AS TO ALLOW THE IMPOSITION OF TOLLS IN CERTAIN SITUATIONS; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHERS TO ENFORCE TOLL VIOLATIONS; BY AMENDING SECTION 57-5-820, RELATING TO THE CONSENT OF A MUNICIPALITY TO WORK ON STATE HIGHWAYS, SO AS TO PROVIDE FOR CANCELLATION OF PROJECTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 57-5-830, RELATING TO THE ASSENT OF MUNICIPALITY TO PLANS, SO AS TO PROVIDE THAT COSTS CAUSED BY AN UNREASONABLE DELAY ARE THE RESPONSIBILITY OF THE MUNICIPALITY; BY ADDING SECTION 57-5-105 SO AS TO IDENTIFY AND TRANSFER OWNERSHIP OF NON-ESSENTIAL ROADS TO THE STATE HIGHWAY SYSTEM; BY ADDING SECTION 57-5-1085 SO AS TO IMPOSE FEES ON NEW DEVELOPMENTS WITHIN THE STATE IN ORDER TO MITIGATE CONGESTION CAUSED BY ADDITIONAL TRAFFIC; BY AMENDING SECTION 57-5-1320, RELATING TO TURNPIKE PROJECT DEFINITIONS, SO AS TO INCLUDE NONTAX REVENUES OR OTHER LEGALLY AVAILABLE FUNDS AS A SOURCE FOR FUNDING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1330, RELATING TO GENERAL POWERS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ALLOW THE DEPARTMENT TO CONTRACT WITH OTHER POLITICAL SUBDIVISIONS IN DESIGNATING, ESTABLISHING, PLANNING, ABANDONING, FINANCING, IMPROVING, CONSTRUCTING, MAINTAINING, AND REGULATING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1335, RELATING TO THE FEASIBILITY STUDIES, SO AS TO REQUIRE THE DEPARTMENT TO COMPLETE A FEASIBILITY STUDY PRIOR TO A BRIDGE CONSTRUCTION QUALIFYING AS TURNPIKE FACILITY; BY AMENDING SECTION 57-5-1340, RELATING TO ADDITIONAL POWERS OF THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1350, RELATING TO A REQUEST FOR AN ISSUANCE OF TURNPIKE BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1360, RELATING TO POWERS AND DUTIES OF THE STATE FISCAL

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ACCOUNTABILITY AUTHORITY UPON RECEIPT OF REQUEST, SO AS TO PROVIDE THAT A RESOLUTION APPROVING ANY PROPOSED TURNPIKE BONDS MAY NOT BE ADOPTED UNLESS THE STATE BOARD CONDUCTS A HEARING BEFORE APPROVAL; BY AMENDING SECTION 57-5-1380, RELATING TO TURNPIKE REVENUE PLEDGED FOR PAYMENT OF BONDS, SO AS TO CLARIFY THAT TURNPIKE BONDS ISSUED BY THIS ARTICLE DO NOT CONSTITUTE AN INDEBTEDNESS OF THE STATE; BY AMENDING SECTION 57-5-1390, RELATING TO BOND INTEREST, MATURITY, AND REDEMPTION, SO AS TO UPDATE TERMS; BY AMENDING SECTION 57-5-1400, RELATING TO THE SALE OF BONDS AND EXPENSES INCIDENT TO SALE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1410, RELATING TO THE EXECUTION OF BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1420, RELATING TO THE APPLICATION OF BOND PROCEEDS, SO AS TO PROVIDE THAT THE PROCEEDS DERIVED FROM THE SALE OF TURNPIKE BONDS MUST BE APPLIED ONLY TO THE PURPOSES AUTHORIZED BY THIS ARTICLE AND PROVIDED IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1430, RELATING TO DENOMINATIONS OF TURNPIKE BONDS, SO AS TO PROVIDE THAT TURNPIKE BONDS MUST EACH BE IN THE DENOMINATION OF ONE THOUSAND OR FIVE THOUSAND DOLLARS OR SOME MULTIPLE THEREOF OR SUCH LARGER DENOMINATIONS AS MAY BE AUTHORIZED BY THE AUTHORITY IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1440, RELATING TO THE FORM OF BONDS, SO AS TO REMOVE THE PROVISION THAT TURNPIKE BONDS ISSUED PURSUANT TO THIS ARTICLE MAY BE IN THE FORM OF NEGOTIABLE COUPON BONDS, PAYABLE TO BEARER; BY AMENDING SECTION 57-5-1450, RELATING TO THE RESOLUTION TO ISSUE BONDS, SO AS TO PROVIDE THAT THE DEPARTMENT AND THE AUTHORITY MAY RELY ON THE WORK PRODUCT OF THIRD-PARTY PROFESSIONALS TO PROVIDE FINANCIAL, FEASIBILITY, OR PRACTICABILITY STUDIES RELATED TO THE TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1460, RELATING TO THE POWERS AND DUTIES OF THE GOVERNOR AND THE STATE TREASURER UPON RECEIPT OF THE BOND RESOLUTION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING

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SECTION 57-5-1480, RELATING TO THE PROVISION THAT IT IS LAWFUL FOR FIDUCIARIES AND SINKING FUND COMMISSIONS TO INVEST IN TURNPIKE BONDS; BY AMENDING SECTION 57-5-1490, RELATING TO PENALTIES FOR FAILURE TO PAY TOLLS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1495, RELATING TO THE COLLECTION OF TOLLS, SO AS TO CHANGE THE DEFINITION OF "ELECTRONIC TOLL COLLECTION SYSTEM" AND ADD THAT A CERTIFICATE THAT A TOLL VIOLATION HAS OCCURRED BASED UPON ELECTRONIC MEANS IS PRIMA FACIE EVIDENCE OF THE VIOLATION; BY ADDING SECTION 57-5-1710 SO AS TO ALLOW THE DEPARTMENT TO USE PHASED DESIGN-BUILD AS A PROJECT DELIVERY METHOD AND PROSCRIBE THE PROCEDURE FOR ENTERING INTO A PHASED DESIGN-BUILD CONTRACT; BY ADDING SECTION 57-5-1720 SO AS TO ALLOW THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTION 57-11-210, RELATING TO DEFINITIONS PERTAINING TO STATE HIGHWAY BONDS, SO AS TO DEFINE "ALTERNATIVE FUEL FEES"; BY AMENDING SECTION 56-3-645, RELATING TO ALTERNATIVE FUEL FEES FOR VEHICLES POWERED BY ELECTRICITY, HYDROGEN, AND FUELS OTHER THAN MOTOR FUEL, SO AS TO INCREASE FEES, PROVIDE FOR ADJUSTMENT OF THE FEES, AND TO CREDIT THE FEES TO THE STATE HIGHWAY FUND; BY AMENDING SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO DESIGNATE THE SECRETARY OF TRANSPORTATION AS AN EX OFFICIO MEMBER; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS IN THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO INCLUDE AN EXEMPTION FOR THE PURCHASE AND MANAGEMENT OF INFORMATION TECHNOLOGY BY THE DEPARTMENT OF TRANSPORTATION; BY ADDING SECTION 12-28-315 SO AS TO PRESCRIBE A USER FEE ON ELECTRICITY CONSUMED WHEN USING A PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION; BY AMENDING SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF A GASOLINE USER FEE AMONG COUNTIES, REQUIREMENTS FOR THE EXPENDITURE OF FUNDS, AND

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COUNTY TRANSPORTATION COMMITTEES, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING "C" FUNDS REVENUES; AND BY AMENDING SECTION 12-28-2920, RELATING TO CONSTRUCTION OF TOLL ROADS, SO AS TO DEFINE HOW FUNDS DERIVED FROM TOLLS MAY BE USED.

#### POINT OF ORDER

Rep. PACE raised the Point of Order, under Article III, Section 15, of the SC Constitution, that S. 831 was a Senate bill that levied taxes and raised revenue.

Rep. CASKEY argued contra.

Rep. PACE argued in favor of the Point of Order.

Rep. BANNISTER argued contra and stated that the bill, as passed by the Senate, did not levy a tax but, instead, levy some user fees. He stated that a user fee was not a tax, and that the bill did not violate Article III, Section 15.

ACTING SPEAKER HIOTT overruled the Point of Order. He cited the 1936 SC Supreme Court Case of Coleman v. Lewis as stating that user fees were not taxes and that a Senate bill implementing or increasing user fees was not in violation of Article III, Section 15.

The Committee on Ways and Means proposed the following Amendment No. 1 to S. 831 (LC-831.DG0003H), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 57-1-410 of the S.C. Code is amended to read:

Section 57-1-410. The ~~commission~~ Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~commission~~ Governor. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

SECTION 2. Section 1-30-10(B)(1)(iv) of the S.C. Code is amended to read:

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of

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the Governor.

SECTION 3. Section 57-1-310(A) and (B) of the S.C. Code is amended to read:

(A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of:

— (1) one member from each transportation district, all appointed by the Governor, subject to the provisions of Section 57-1-325; ~~and~~

~~— (2) two members from the State at large, both appointed by the Governor, upon the advice and consent of the General Assembly. Each house must hold a separate confirmation vote.~~

In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the commission shall represent the transportation needs of the State as a whole and may not subordinate the needs of the State to those of any particular area of the State.

(B) ~~The at large appointments made by the Governor must be transmitted to the Senate and the House of Representatives for confirmation~~Reserved.

SECTION 4. Section 57-1-330 of the S.C. Code is amended to read:

Section 57-1-330. (A) All commission members are appointed to a term of office of four years which expires on February fifteenth of the appropriate year. However, a commission member may not serve more than two consecutive terms, and may not serve more than twelve years, regardless of when the term was served. Commissioners shall continue to serve until their successors are appointed and confirmed, provided that a commissioner only may serve in a hold-over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by appointment in the manner provided in this article for the unexpired term only. ~~Except for the at large member,~~ a person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by such commission member to maintain residency in the district for which he is appointed shall result in the forfeiture of his office.

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~~—(B) An at large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by an at large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

(B) Commission members may be removed from office at the discretion of the Governor.

SECTION 5. Notwithstanding the general effective date of this act, at-large members of the Commission of the Department of Transportation serving on the effective date of this act, shall continue to serve until their terms expire. If a vacancy occurs, another at-large member must be appointed to fill the unexpired term in the manner provided by law.

SECTION 6. Sections 57-1-360(B) through Section 57-1-370 of the S.C. Code are amended to read:

Section 57-1-360. (B)(1) The chief internal auditor must be a certified public accountant~~Certified Public Accountant~~, a certified internal auditor, or a certified fraud examiner, and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The scope of internal audit services shall cover the entire department, including all the department's activities, assets, and personnel. The scope of internal audit activities also encompasses all, but is not limited to, objective examinations of evidence to provide independent assurance on the adequacy, effectiveness, and efficiency of governance, risk management, control processes, and compliance for the department. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the secretary, the commission and the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public. All final audit reports shall be published on the department's and the State Auditor's websites.

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(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.

Section 57-1-370. (A) The ~~commission~~ department must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the ~~commission~~ department must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation described in Section 57-1-25;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization's approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in

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metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the ~~commission~~ department shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

~~—(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Non-Federal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering the criteria in subsection (B)(8).~~

~~—(2)(C) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.~~

~~—(D) The commission must approve the department's annual budget.~~

(D) The commission shall have any other rights, duties, obligations, or responsibilities as specifically provided by law.

SECTION 7. Section 57-3-20 of the S.C. Code is amended to read:

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Section 57-3-20. The responsibilities and duties of the following ~~division deputy directors~~ deputy secretaries must include, but not be limited to, the following:

(1) ~~division deputy director for finance and administration~~ Deputy Secretary for Finance and Administration:

- (a) financial planning and management;
- (b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; ~~and~~
- (c) administrative functions, including recording proceedings of the commission and developing policy and procedures to ensure compliance with these policies and procedures; ~~and~~
- (d) financial management of funding from federal, state, and local transit, rail, and other intermodal transportation.

(2) ~~division deputy director for construction, engineering, and planning~~ Deputy Secretary for Engineering:

- (a) develop statewide strategic highway plans; and operations and management of the department's highway districts;
- (b) direct highway engineering activities, including preconstruction, construction, ~~design,~~ construction oversight, and maintenance of state highways; ~~and~~
- (c) establish project and program priority lists.

(3) ~~division deputy director for intermodal and freight programs~~ Deputy Secretary for Intermodal and Freight Programs:

- (a) develop a statewide public transit system;
- (b) coordinate the preservation and revitalization of existing rail corridors;
- (c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;
- (d) ~~plan, develop, and coordinate~~ and implement a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems; ~~and~~

~~(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and~~

~~(f)~~(e) manage the Office of Railroads and the Office of Public Transit.

(4) Deputy Secretary for Planning:

- (a) develop statewide strategic transportation plans; and
- (b) coordinate statewide plans with federal and state-funded

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regional and local transportation planning organizations.

SECTION 8. Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-205. (A) The department may enter into public-private partnership arrangements between or among the department and any public or private entity for the purpose of planning, designing, financing, constructing, operating or maintaining the highways, roads, streets, bridges, public transit, and work, improvements or facilities incidental or related thereto under the jurisdiction of the department. The provisions of this section may be used with any other provisions of state law to accomplish one or more projects.

(B) Public-private partnership arrangements may take the form of design-build agreements, design-build-operate agreements, design-build-operate-maintain agreements, design-build-finance-operate-maintain agreements, franchise agreements, pre-development agreements, tolling services agreements, direct agreements, guarantees, concession agreements, lease agreements, availability payments agreements, performance-based payments agreements, or any other form of contract approved by the department, or other similar arrangements or agreements pursuant to which the design, right-of-way acquisition, relocation of structures or utilities, construction, financing, management, maintenance, and operation, or any combination thereof, of a public highway, road, streets, buildings and facilities owned by the department, broadband technology, bridge, public transit project and work, improvements or facilities incidental or related thereto is accomplished by the department or on behalf of the department by any public or private entities or methods. Additionally, such agreements may:

(1) be short-term or long-term agreements, but not exceed ninety-nine years;

(2) authorize the establishment, adjustment, indexation, and enforcement of fares, tolls, or other user fees, including time-of-day or dynamic pricing, consistent with policies adopted by the department, which may allow enforcement through photo monitoring, cashless tolling, toll-by-mail, and toll-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a turnpike facility designated under Title 57, Chapter 5, Article 9;

(3) specify a revenue application waterfall, reserves, rate covenants, and collection and enforcement measures; and

(4) be structured on a revenue-risk, availability-payment, or hybrid basis, including shadow tolls or usage-based performance

components.

(C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize funding to be established, set, modified, adjusted, and retained by the private entity, may include fares, tolls, or other user fees for use of the project that is the subject of the arrangement, and the department may provide enforcement and collection services for the benefit of a public-private partnership arrangement. The funding may be distributed among the participants in the project as may be provided for by contract. Multiyear payment obligations may be appropriation backed availability payments or milestone payments and may include standard non-appropriation clauses and termination-for-non-appropriation remedies with predefined compensation formulas.

(D) The department may:

(1) take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose and the public-private partnership arrangements authorized by this section and may enter into any contracts required to receive such assistance;

(2) determine that it serves the public purpose and the public-private partnership arrangements authorized by this section for all or any portion of the costs of a project to be paid, directly or indirectly, from the proceeds of a grant or loan made by federal, state, or local government or any agency or instrumentality thereof. Such assistance includes, but is not limited to, assistance under the Transportation Infrastructure Finance and Innovation Act, railroad rehabilitation and improvement financing, private activity bonds, and other federal credit or tax-exempt financing programs; and

(3) cooperate with private partners to obtain allocations or approvals necessary for the issuance of private activity bonds and similar instruments, and may establish or incorporate, or assist in the establishment and incorporation of, a not-for-profit corporation or entity for purpose of borrowing funds through a governmental conduit bond issuer for the benefit of a project procured by the department.

(E) Any contract entered into pursuant to this section shall require the private partner or each of its prime contractors to provide performance and payment security to the extent deemed necessary by the department or required by the financing parties. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required

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to adequately protect the department, the state, and the contracting and subcontracting parties.

(F) Notwithstanding any provision of law to the contrary, proposals under this section, with respect to public highway, road, bridge, building, facility, or public transit projects or work incidental or related thereto that the department determines can be more efficiently accomplished by any of the means enumerated in this section, may be evaluated and awarded by the department based on qualifications of participants or best value, or both, as evaluated by procedures of the department and taking into consideration the best interest of the State of South Carolina. Projects authorized under a pre-development agreement may be authorized without specifying or finalizing the full or final scope of work to be performed under the procurement or pre-development agreement. The department may utilize a two-step request for qualifications or request for proposals process with shortlisting, conduct competitive dialogue or confidential meetings with proposers, solicit and accept alternative technical concepts, and make best-value tradeoffs without mandated formulaic weights.

(G)(1) To the extent not authorized by statutory provisions other than this section, the solicitation pursuant to subsection (B) for a given project must be submitted to the Joint Bond Review Committee for review and comment prior to advertisement of the solicitation.

(2) The contract may include an agreement to make payments to a development entity on a multi-year basis, provided either that payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds for such periods, or that specific, limited revenues are identified in a solicitation which has received review and comment by the Joint Bond Review Committee prior to the solicitation of the procurement and such revenues are payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax.

(3) The department may set up separate accounts, which may be with a commercial trustee, to account for any such funds and provide for the deposit and disbursement of moneys therein under the public-private partnership arrangement.

(4) The department shall notify the Joint Bond Review Committee within thirty days of execution of the public-private partnership arrangement and shall provide the Joint Bond Review Committee an annual report within one hundred twenty days of the end of each fiscal year regarding the status of all public private partnership arrangements outstanding.

(H) When the department proposes to enter into a public-private partnership arrangement under this section, it shall, prior to the execution and delivery of the contract documents for the public-private partnership arrangement, file a copy of the documents in the office of the Secretary of State. It is the duty of the Secretary of State to file and index the filing in a special book to be kept by such officer for such purpose. The Secretary of State shall be authorized to prepare and deliver certified copies of the filed documents and to deliver them to interested parties. For each certification a reasonable fee may be charged. No action shall be commenced on account of the validity of a public-private partnership arrangement after the expiration of twenty days from the date of the filing and indexing of the proposed contract documents for the public-private partnership arrangement in the office of the Secretary of State. The period within which such actions may be commenced shall not begin to run until such records have been filed as prescribed in this section.

(I) The department may promulgate regulations to implement the provisions of this section.

SECTION 9. Section 57-3-615 of the S.C. Code is amended to read:

~~Section 57-3-615. If a toll is administered on a project by the Department of Transportation, the toll must be used to pay for the construction, maintenance costs, and other expenses for only that project. A toll project that is in excess of one hundred fifty million dollars may only be initiated as provided in Chapter 37 of Title 4.~~

~~No toll may be imposed on passage of any vehicle on federal interstate highways in this State which were in existence as of January 1, 1997, unless the imposition is otherwise affirmatively approved by the General Assembly in separate legislation enacted solely for that purpose.~~

(A) No toll may be imposed on the passage of any vehicle on any publicly owned or controlled road, bridge, highway, or interstate in this State except as provided by this section. Any toll imposition must be allowed by or not contrary to federal law. Tolls may be imposed on a publicly owned or controlled road, bridge, highway, or interstate under any of the following circumstances:

(1) the toll imposition is specifically authorized by the General Assembly;

(2) the toll imposition is on a turnpike facility designated under Title 57, Chapter 5, Article 9; or

(3) the toll imposition is reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority in connection with an agreement under Section 57-3-200 or 57-3-205 prior

to the solicitation of proposals for the agreement. The manner and method of toll imposition and rate setting are not required to be reviewed or approved, but must be set forth in the agreement, as may be amended from time to time.

(B) Tolls imposed under subsection (A)(2) or (3) of this section may only be imposed on managed or choice lane facilities that increase the capacity of the applicable road, bridge, highway, or interstate. Managed or choice lane facilities are those facilities that are actively managed to achieve more effective and efficient use of a road, bridge, highway, or interstate using various strategies including but not limited to pricing, vehicle eligibility, and access control; the managed or choice lane facilities shall be in addition to and not in place of existing lanes.

(C) Tolls may continue to be imposed on the passage of vehicles on any publicly owned or controlled road, bridge, highway, or interstate in this State on which tolls were imposed as of January 1, 2026.

SECTION 10. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-790. (A) The State waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326 and 327. The waiver of immunity under this section is valid only if:

(1) the Secretary of Transportation executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Sections 326(c) and 327(c);

(2) before execution of the memorandum of understanding under subsection (A), the South Carolina Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the State;

(3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Sections 326 and 327; and

(4) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

(B) Within one year of submitting an application to assume administration of 23 U.S.C. Sections 326 and 327, otherwise known as

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the National Environmental Policy Act (NEPA) Assignment Program pursuant to this section, the secretary shall issue a NEPA Manual detailing the manner in which the department will carry out its NEPA responsibilities. The department must provide a public comment period of at least thirty days on a draft NEPA Manual prior to issuance of a final NEPA Manual.

(C) The department must annually publish a report describing the department's assumption of NEPA responsibilities. The annual report must be made available to the public and posted on the department's website. That report shall include, but not be limited to, an analysis of time savings, an analysis of positive and negative financial impacts, and a summary of any legal actions challenging the department's actions under the program.

SECTION 11. Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-800. The Department of Transportation may enter into reciprocal agreements with other jurisdictions including the federal government and any state, or agencies or departments thereof, to enforce toll violations. The agreement shall provide that, when another jurisdiction certifies that the owner of a vehicle registered in this State has failed to pay a toll, processing fee, or civil penalty due to that jurisdiction, the unpaid toll, processing fee, or civil penalty may be enforced by placing a registration suspension as if the owner of the motor vehicle has an outstanding judgment for failure to pay a toll under Section 56-3-1335, upon electronic notification by the Department of Transportation to the Department of Motor Vehicles. The agreement shall only be enforceable to the extent that:

(1) the other jurisdiction has its own reciprocal procedure for toll violation enforcement and does, in fact, reciprocate in enforcing toll violations within this State by withholding the registration renewal of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State;

(2) drivers and vehicles licensed or registered in this State, while operating on the highways and bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other jurisdiction while they are operating on the highways and bridges of this State;

(3) the owner of a vehicle registered in this State may present

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evidence to the other toll agency or jurisdiction by mail or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation allegedly occurred;

(4) the reciprocal violation enforcement arrangement between the department and the other toll agency provides that each party shall charge the other for costs associated with registration holds, or the like, in their respective jurisdictions.

SECTION 12. Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-1345. (A) In order to administer, collect, and enforce any toll, toll violation, processing fee, civil penalty, or registration-based enforcement mechanism authorized by this title, the Department of Transportation shall coordinate with the Department of Motor Vehicles to ensure access to current motor vehicle and owner registration data.

(B) The Department of Transportation shall, at a minimum, receive updated toll-related vehicle data from the Department of Motor Vehicles monthly. The data shall include, but is not limited to, vehicle identifiers, registration status indicators, and any information necessary to support toll billing, notice, enforcement actions, or registration renewal blocks authorized by law.

(C) The Department of Transportation and the Department of Motor Vehicles shall enter into a memorandum of understanding governing:

- (1) the frequency, format, and method of data exchange;
- (2) data security standards and confidentiality requirements;
- (3) limitations on use of the data solely for toll administration and enforcement purposes; and
- (4) procedures to ensure data accuracy, error resolution, and due process protections for registered vehicle owners.

(D) No toll enforcement action that relies upon registration suspension, renewal block, or similar Department of Motor Vehicles action may be initiated unless the vehicle data relied upon has been updated in accordance with this section.

(E) Nothing in this section authorizes the disclosure of personal information except as otherwise permitted by state and federal law.

SECTION 13. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-105. (A) The department shall publish a list of roads not essential to the operation of the State Highway System and ownership may be transferred to counties, municipalities, or other entities, provided that mutual consent is reached between the department and the county, municipality, or other entity pursuant to Section 57-5-

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80. The list shall be approved by the commission.

(B) The System Realignment Fund is hereby created to fund the transfer to local government of roads identified in subsection (A), subject to appropriations by the General Assembly or transfers from the State Highway Fund approved by the Secretary of Transportation.

(C) In counties where all roads identified by the department as non-essential to the State Highway System under this section have been transferred to the county and municipalities within that county, that county's county transportation committee shall not be required to meet the thirty-three percent on state highway system requirements of Section 12-28-2740(C).

(D) In counties where all roads identified by the department as non-essential to the State Highway System under this section have been transferred to the county and municipalities within that county, that county may impose a sales tax of two cents in accordance with the requirements of Section 4-37-30(A).

(E)(1) In a county where all the roads identified by the department as non-essential to the State Highway System under this section that are located in the unincorporated areas of the county have been transferred to the county, the local government may impose additional millage to meet the funding requirements of maintaining the roads. An additional millage imposed pursuant to this section is not subject to the provisions of Section 6-1-320.

(2) In a municipality where all roads identified by the department as non essential to the State Highway System under this section that are located within the municipality have been transferred to the municipality, the municipality may impose additional millage to meet the funding requirements of maintaining the roads.

(3) Any additional millage imposed pursuant to this section is not subject to the provisions of Section 6 1 320.

SECTION 14. Sections 57-5-820 and 57-5-830 of the S.C. Code are amended to read:

Section 57-5-820. (A) As used in this section and Section 57-5-830:

(1) "Structurally deficient" means not adequate to handle the vehicle weights authorized on roads leading to them.

(2) "Functionally obsolete" means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.

(B)(1) All work to be performed by the ~~D~~department department on state highways within a municipality must be with the consent and

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approval of the proper municipal authorities, except that work performed or to be performed on a bridge and its approaches, certified by the ~~Department~~ department as functionally obsolete or structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway.

(2) A decision by a municipality to not consent and approve the work must be communicated in writing to the department within one hundred eighty days of receiving notice of the work from the department. A decision to disapprove of the work shall result in the cancellation of the project, unless the project is determined by the commission to be in the best interest of the State.

(3) Failure to provide consent and approval within one hundred eighty days shall be deemed acceptance of the work.

(4) A municipality shall not conditionally approve the work to be performed by the department.

Section 57-5-830. In every case of a proposed permanent improvement, construction, reconstruction, or alteration by the ~~Ddepartment~~ department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started, but in no event shall such review and approval of the plans delay the project schedule as communicated by the department to the municipality; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the ~~Ddepartment~~ department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway. Any costs incurred by the department caused by the unreasonable delay in the review and approval of the plans shall be the responsibility of the municipality.

SECTION 15. Sections 57-5-1320 through 57-5-1360 of the S.C. Code are amended to read:

Section 57-5-1320. As used in this section: ~~Unless the context indicates another meaning or intent:~~

(1) "Department" means the Department of Transportation;

(2) "Turnpike facility" means any express highway or limited access highway ~~constructed~~ or any specified lanes or portion thereof, designated and ratified or approved as such under the provisions of this article ~~by the department~~, whether or not financed with turnpike bonds, including any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, toll house, service station and administration and

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storage and other buildings and facilities which the department considers necessary or desirable. A turnpike facility constitutes a portion or extension of any existing or proposed highway in the state highway system;

(3) "Bonds or turnpike bonds" means revenue bonds of the State authorized under the provisions of this article and Paragraph (9), Section 13, Article X of the South Carolina Constitution;

(4) "Authority" means the State Fiscal Accountability Authority;

(5) "Turnpike facility revenues" means all revenues resulting from tolls or other charges derived from the operation of a turnpike facility, including revenues derived from concession leases or other concessionaire operated facilities; and, to the extent designated by the bond resolution, such nontax revenues or other legally available funds as are or may be made available to the department from whatever source for the purpose of operating, financing, enforcing, and maintaining, or any combination thereof, turnpike facilities;

(6) "Bond resolution" means the resolution or resolutions of the state board authority making provision for the issuance of turnpike revenue bonds; as may be supplemented or amended from time to time;

(7) "General obligation bonds" means state highway bonds issued pursuant to Paragraph (6)(a), Section 13, Article X of the South Carolina Constitution;

(8) "State" means the State of South Carolina;

(9) "Commission" means the Commission of the Department of Transportation.

Section 57-5-1330. ~~4(A)~~ The department may designate, establish, plan, improve, construct, maintain, operate, and regulate turnpike facilities as a part of the state highway system or any federal aid system whenever the department determines the traffic conditions, present or future, justify the facilities, except that the department may not designate as a turnpike facility any highway, road, bridge, or other transportation facility funded in whole or in part by a then imposed local option sales and use tax ~~as provided in~~ imposed pursuant to Chapter 37 of Title 4, unless by agreements with the applicable county government The department may utilize turnpike facilities revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any turnpike facility ~~financed pursuant to this article. The authority to designate turnpike facilities under this section shall at all times be subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified or approved by the State Fiscal Accountability Authority.~~

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~~2.(B) In every highway construction project, except federal and state secondary projects, rehabilitation and widening of federal and state primary and secondary road and bridge projects and highway safety projects, the Department shall consider making all or part of the highway construction a turnpike facility and financing it by the use of turnpike bonds. It shall make an entry in the construction project file indicating whether or not it determines making all or part of the project a turnpike facility. If the determines it is feasible to make all or part of the any construction project a turnpike facility, then it may engage in the preliminary estimates and studies incident to the determination of the feasibility or practicability of constructing any toll road as it from time to time considers necessary and the cost of the preliminary estimates and studies must be paid from the general highway fund and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a toll road.~~

~~3.(C) The department may acquire such lands and property including rights of access as may be needed for turnpike facilities by gift, devise, purchase, or condemnation by easement or in fee simple in the same manner as now or hereafter authorized by law for acquiring property or property rights in connection with other state highways.~~

~~4.(D) In designating, establishing, planning, abandoning, improving, constructing, maintaining and regulating turnpike facilities the department may exercise such authorizations ~~as are~~ granted to the department by the provisions of other statute law applicable to the state highway system, except as they may be inconsistent with the provisions included herein.~~

~~5.(E)(1) The ~~Department~~department may contract with any person, partnership, association or corporation desiring the use of any part of the turnpike facility, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a sufficient number of the aforementioned facilities shall be authorized to be established in each service area along any such turnpike project to permit reasonable competition by private business in the public interest. Revenues from these contracts would be included in turnpike facility revenues.~~

~~(2) The department may contract with any political subdivision desiring to assist the department, whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning, financing, improving, constructing, maintaining, and regulating turnpike~~

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facilities as may be set forth in a short-term or long-term intergovernmental agreement between the department and the political subdivision. Revenues from these contracts may be pledged for the term thereof and may be included in turnpike facility revenues should the contract so provide. The right to receive any payments under such an intergovernmental agreement may be maintained by the department or assigned to the trustee for the turnpike revenue bonds, as may be provided or authorized in the bond resolution. The authority to enter into such an intergovernmental agreement is concurrent and supplementary to those general powers granted political subdivisions and the department in the South Carolina Code of Laws, including, without limitation, Title 57.

Section 57-5-1335. ~~The Department of Transportation~~ department, before constructing a bridge or replacing an existing bridge which ~~qualifies~~ is or is anticipated to be designated as a turnpike facility ~~as defined in Section 57-5-1320~~, shall conduct the feasibility study ~~required by~~ referenced in Section 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance Committees of the Senate and the Education and Public Works and Ways and Means Committees of the House of Representatives within fifteen days of the completion of the study.

Section 57-5-1340. In addition to the powers listed above, the South Carolina Department of Transportation may:

- ~~1.(1) Request~~ request the issuance of turnpike bonds for the purpose of paying all or any part of the cost of any one or more turnpike projects;
- ~~2.(2) Fix~~ fix and revise from time to time and charge and collect a program of tolls for transit over each designated turnpike facility; constructed by it; and each program may provide for dynamic tolling, scheduled tolling, variable tolling, uniform tolling, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned usage, and any other factors deemed appropriate by the department;
- ~~3.(3) Combine~~ combine, for the purposes of financing ~~the any~~ any turnpike facilities, any two or more turnpike facilities;
- ~~4.(4) Control~~ control access to turnpike facilities;
- ~~5.(5) To~~ to the extent permitted by a bond resolution, expend turnpike facility ~~or facilities~~ revenues in advertising the turnpike facilities and services of the turnpike facility or facilities to the traveling public;
- ~~6.(6) Receive~~ receive and accept from any federal agency grants for or in the aid of the construction of any turnpike facility;

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~~7-(7) Establish~~establish a separate division to administer turnpike facilities and a separate turnpike facility account;

~~8-(8) Do~~do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

Section 57-5-1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the commission may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. The request may be in the form of resolution adopted at any regular or special meeting of the commission. The request shall set forth on the face thereof or by schedule attached thereto:

~~1-(1) the~~(1) the turnpike facility proposed to be constructed or designated;

~~2-(2) the~~(2) the amount required for feasibility studies, planning, design, right-of-way acquisition, and construction of the turnpike facility;

~~3-(3) a~~(3) a tentative time schedule setting forth the period of time for which the sum ~~request must requested~~ is expected to be expended;

~~4-(4) a~~(4) a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;

~~5-(5) any~~(5) any feasibility study obtained by the commission relating to the proposed turnpike facility;

~~6-(6) the~~(6) the commission's recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike facility revenues which would otherwise be derived by the proposed turnpike facility.

Section 57-5-1360. Following the receipt of a request pursuant to Section 57-5-1350, the State Fiscal Accountability Authority shall review the request and, to the extent that it approves the request, it may effect, by bond resolution duly adopted, the issuance of turnpike bonds, or pending their issuance, may effect the issuance of bond anticipation notes pursuant to Title 11, Chapter 17. ~~A resolution approving any proposed turnpike bonds may not be adopted unless before approval the state board conducts, after not less than ten days' published notice, a public hearing in the City of Columbia.~~

SECTION 16. Sections 57-5-1380 through 57-5-1460 of the S.C. Code are amended to read:

Section 57-5-1380. (A) For the payment of the principal of and interest on all turnpike bonds, there is irrevocably pledged ~~all turnpike revenues derived from the~~ turnpike facility revenues ~~financed by the bonds~~ to the extent and in the manner prescribed by the bond resolution. Any interest earned on turnpike facility account balances must be

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credited to the turnpike facility account as prescribed in the bond resolution.

(B) The turnpike bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the turnpike facility revenues. The turnpike bonds issued do not constitute an indebtedness of the State, State Fiscal Accountability Authority, or department within the meaning of any state constitutional provision or statutory limitation, except indebtedness payable solely from a revenue producing source or from a special source that does not include revenues from any tax within the meaning of Paragraph (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit, and taxing powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the turnpike bonds and this fact must be plainly stated on the face of each turnpike bond. The State Fiscal Accountability Authority and the department each lack taxing power.

Section 57-5-1390. Turnpike bonds shall bear interest, payable on occasions prescribed by the State Fiscal Accountability Authority, at a rate not exceeding the maximum prescribed by ~~Section 11-9-350~~ the bond resolution. Each issue of turnpike bonds shall mature on the occasion prescribed by the State Fiscal Accountability Authority, not exceeding forty years from the date the bonds ~~are~~ are issued. Turnpike bonds may, in the discretion of the State Fiscal Accountability Authority, be made subject to redemption at par and accrued interest, plus such redemption premium as it approves and on occasions and under conditions it prescribes. Turnpike bonds are not redeemable before maturity unless they contain a statement to that effect.

Section 57-5-1400. Turnpike bonds must be sold at private or public sale under conditions prescribed by the bond resolution ~~State Fiscal Accountability Authority~~. For the purpose of bringing about successful sales of the bonds, the State Fiscal Accountability Authority may do, or cause to be done, all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of the turnpike bonds must be paid from the proceeds of the sale of the bonds or turnpike facility revenues.

Section 57-5-1410. All turnpike bonds must be executed in the name of and on behalf of the State ~~of South Carolina~~ and must be signed by the Governor and the State Treasurer. The Great Seal of the State must be affixed to, impressed, or reproduced upon each of them and they must be attested by the Secretary of State. If approved by the State Fiscal Accountability Authority, ~~any one or two~~ of the officers may, in lieu of

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manually signing, employ the use of the facsimile of their signatures in executing any turnpike bonds.

Section 57-5-1420. The proceeds derived from the sale of turnpike bonds must be applied only to the purposes ~~for which bonds are issued~~ authorized by this article and provided in the bond resolution.

Section 57-5-1430. Turnpike bonds must each be in the denomination of one thousand or five thousand dollars or some multiple thereof or such larger denominations as may be authorized by the State Fiscal Accountability Authority in the bond resolution.

Section 57-5-1440. ~~Turnpike bonds issued pursuant to this article may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name on the books of the State Treasurer as to principal only, or as to both principal and interest, and the principal or both principal and interest, as the case may be, thus made payable to the registered holder, subject to conditions the State Fiscal Accountability Authority prescribes. Turnpike bonds so registered as to principal in the name of the holder may thereafter be registered as payable to bearer and made payable accordingly.~~

Turnpike bonds may also be issued as fully registered bonds with both principal and interest made payable only to the registered holder. The fully registered bonds are subject to transfer under conditions the State Fiscal Accountability Authority prescribes. ~~The fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.~~

Section 57-5-1450. (A) The State Fiscal Accountability Authority, by bond resolution duly adopted, may make provision for the issuance of turnpike bonds. In the bond resolution, the State Fiscal Accountability Authority may prescribe:

- (1) the amount, denomination, and numbering of turnpike bonds to be issued;
- (2) ~~the date as of which they must be issued~~ method or manner of dating the turnpike bonds;
- (3) the estimated maturity schedule for the retirement of the turnpike bonds and a pro forma table of anticipated principal and interest payments for such turnpike bonds;
- (4) the form or forms of the turnpike bonds of the particular issue;
- (5) the redemption provisions or manner of determining the same, if any, applicable to the bonds;
- (6) the maximum rate or rates of interest the turnpike bonds shall bear;

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(7) the specific purposes for which the turnpike bonds must be issued;

(8) the purposes for which the proceeds of the turnpike bonds must be expended, in the discretion of the State Fiscal Accountability Authority, a portion of the proceeds may be used as capitalized interest during the period of construction and initial operation and for the creation of appropriate debt service reserves and other funds and accounts as the State Fiscal Accountability Authority deems necessary or expedient from the turnpike bonds and the proper operation and functioning of the turnpike facilities;

~~—(9) the method and conditions by which turnpike revenues from the turnpike facility so financed must be collected and utilized;~~

~~(10)(9)~~ the extent to which and the conditions under which additional parity turnpike bonds may be issued;

~~(11)(10)~~ any covenant considered necessary protecting the turnpike facility so financed from possible future competition from other highways or comparable facilities;

~~(12)(11)~~ the authorized method or methods by which the turnpike bonds must be sold and such other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the turnpike bonds-;

~~—(12) the conditions under which refunding turnpike bonds may be issued.~~

~~—(B) Except as otherwise provided in this article, all expenses incurred in carrying out the provisions of this article are payable solely from funds provided under the authority of this article or from any funds provided by the federal government or from other special sources and no liability or obligation may be incurred by the department beyond the extent to which money has been provided under the provisions of this article.~~

~~(C)(B)~~ The bond resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of turnpike facility revenues made by the commission and approved by the State Fiscal Accountability Authority indicates that collection from turnpike facility revenues for applicable fiscal years is expected to be not less than that required for annual debt service requirements of the requested turnpike bonds. In making such finding, the department and the authority may rely in whole or in part on the work product of third-party professionals engaged to provide financial, feasibility, or practicability studies related to the turnpike facilities or the financing thereof through turnpike bonds.

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(C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or modify in any way, the designation of turnpike facilities proposed pursuant to Section 57-5-1350.

(D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the combining of any turnpike facilities then existing or proposed pursuant to Section 57-5-1350; provided, however, that prior to ratifying and approving such a combination from time to time the authority shall make a finding that it is in the best interest of the State after taking into account factors including, but not limited to, geographic connection, regional transportation planning, operational efficiencies, revenue stability, bonding capacity, and such other factors as it finds relevant.

Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to the satisfaction of the Governor and the State Treasurer that the estimated collection from the ~~sources of revenue~~ turnpike facility revenues in applicable future fiscal years are not less than that required for annual debt service requirements for the requested turnpike bonds, then the Governor and State Treasurer may effect the delivery of bonds in accordance with the bond resolution.

SECTION 17. Sections 57-5-1480 through 57-5-1495(A), (B), and (C) of the S.C. Code are amended to read:

Section 57-5-1480. It is lawful for all executors, administrators, guardians, and other fiduciaries and all sinking fund commissions, including the ~~State Fiscal Accountability Authority Retirement System Investment Commission~~ and Public Employee Benefit Authority in their capacities as cotrustees of the funds of the South Carolina Retirement System and ~~as any~~ manager and administrator of ~~other~~ state sinking funds, to invest any monies in their hands in turnpike bonds.

Section 57-5-1490. Any person who uses any turnpike ~~project~~ facility and fails or refuses to pay the any toll ~~provided therefor then due~~ shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, and in addition thereto the ~~Department~~ department shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof.

Section 57-5-1495. (A) As used in this section:

(1) "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder or person the appropriate toll or charge by electronic means ~~transmission of information from an electronic device on a motor vehicle to the toll~~

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lane, which information is used to charge the account the appropriate toll or charge.

(2) "Lessor" means any person, corporation, firm, partnership, agency, association, or organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein the said lessee has the exclusive use of the vehicle for any period of time.

(3) "Lessee" means any person, corporation, firm, partnership, agency, association, or organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of the vehicles for any period of time.

(4) "Owner" means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security or an entity who, at the time of a toll violation and with respect to the vehicle involved in the violation, is the registrant or eo-registrant of the vehicle with the Department of Motor Vehicles of this State or another state, territory, district, province, nation, or jurisdiction.

(5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of toll collection regulations.

(6) "Toll violation" means the passage of a vehicle through a toll collection point without payment of the required toll.

(7) "Motor vehicle" or "vehicle" means every vehicle which is self-propelled~~"Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.~~

(B) Notwithstanding another provision of law, when a vehicle is driven through a turnpike facility without payment of the required toll, the owner ~~and operator~~ of the vehicle is ~~jointly and severally liable~~ responsible to the Department of Transportation to pay the required toll, administrative fees, and civil penalty as provided in this section. The department or its authorized agent may enforce collection of the required toll as provided for in this section.

(C) A certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a toll violation has occurred, based upon inspection of photographs, microphotographs, videotape, ~~or~~ other recorded images, or other electronic means, produced by a

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photo-monitoring system, is prima facie evidence of the violation and is admissible in any proceeding charging a toll violation pursuant to this section. A photograph, microphotograph, videotape, or other recorded image evidencing a violation must be available for inspection by the party charged and is admissible into evidence in a proceeding to adjudicate liability for a violation.

SECTION 18. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1710. (A). As used in this section, “phased design-build” means a project delivery method that uses a stepped or progressive qualifications-based selection process, followed by a progression to a contract price. The department must select the phased design-build contractor exclusively on qualifications and technical approach, without consideration of schedule or costs, which must deliver the project in multiple phases.

(1) The phased design-build contractor is initially under contract for preconstruction activities including, but not limited to, project validation, designing and developing plans, performing constructability reviews, and developing construction schedules and pricing.

(2) The department and the phased design-build contractor shall establish a guaranteed maximum construction cost. The guaranteed maximum construction cost is the total dollar amount within which the phased design-build contractors shall complete the final design and construction of the project including the contractor’s direct costs, overhead, and profit, plus any authorized contingency. Upon agreement of the guaranteed maximum construction cost, the department and the phased design-build contractor will execute a second contract or an amendment to the initial contract for completion of the final designs and construction of the project consistent with subsection (C).

(3) If the department and phased design build contractor cannot reach agreement on a guaranteed maximum construction cost, then the department shall take ownership and assume liability of the design work product. Nothing shall prohibit the department from pursuing the project under any other legally allowed method.

(B) The department may only award a contract under this section if the department:

(1) determines that it is in the public’s interest to use the phased design-build project delivery method; and

(2) prequalifies the prime contractor and lead designer firm that will be awarded the contract.

(C) The method for the department to award a contract using phased

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design-build procedures shall be:

(1) Prior to the initiating a phased design build procurement under this section, the department shall submit a report to the Joint Bond Review Committee on the nature and scope of the project and the reasons the phased design-build procurement project delivery method will best serve the public interest. The department shall not initiate a procurement until the Joint Bond Review Committee has provided its review and comment.

(2) Upon completion of a project awarded under subsection (B), the department shall submit a post-completion report to the Joint Bond Review Committee detailing the project results, including any cost and time efficiencies achieved using the phased design-build project delivery method. This report must include a cost analysis comparing the use of phased design-build for awarding contracts with the award of contracts under the existing procedure.

(D) The department may promulgate regulations to implement the phased design-build method.

Section 57-5-1720. (A) The department may award highway construction contracts using a construction manager/general contractor (CM/GC) procedure. Under a CM/GC contract, the department shall perform preconstruction services via department personnel or via contract. A CM/GC contractor is responsible for providing advisory preconstruction services of the department's design including, but not limited to, constructability review, scheduling, pricing, and phasing. The CM/GC contractor shall be able to perform construction should the department and the contractor agree to a guaranteed maximum price.

(B) Should a guaranteed maximum price agreement be reached, construction services shall commence under a subsequent contract instrument. The contract instrument may be in the form of a CM/GC contract, a franchise agreement, or any other form of contract approved by the department. Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(C) Selection criteria shall include the contractor's cost for preconstruction services associated with the project, contractor qualifications, experience, past performance, best value, or any combination of the aforementioned criteria, or any other combination of selection criteria considered appropriate by the department.

(D) The department may promulgate regulations to implement the CM/GC project delivery method.

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SECTION 19. Sections 56-5-4210 through 56-5-4220 of the S.C. Code are amended to read:

Section 56-5-4210. (A) Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer, or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

(B) The imposition of any restrictions pursuant to subsection (A) must first be approved by the Department of Transportation on any highways transferred to local authorities after July 2026.

Section 56-5-4220. No limitation shall be established by any county, municipal, or other local authority pursuant to the provisions of Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder ~~over~~ along public state highways, including officially established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal, or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts that have failed to meet the National Bridge Inspection Standards as administered

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by the Department of Transportation upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.

SECTION 20. Section 11-43-140 of the S.C. Code is amended to read:

Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: ~~the Chairman of the Department~~ the Secretary of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President of the Senate; and one member of the Senate appointed by the President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.

SECTION 21. Section 11-35-710 of the S.C. Code is amended to read:

Section 11-35-710. (A) The board, upon the recommendation of the chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer's area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

(1) ~~the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency type parts or equipment utilized by the Department of Transportation or the Department of Public Safety~~ the acquisition by the Department of Transportation of: transportation planning; the construction, maintenance, design, financing, operation, and repair of bridges, highways, roads, and other improvements within the state rights of way; technology related to operations within the state rights of way; and vehicle and road equipment maintenance and repair and other emergency-type parts and equipment;

(2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;

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- (3) South Carolina State Ports Authority;
- (4) Division of Public Railways of the Department of Commerce;
- (5) South Carolina Public Service Authority;
- (6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;
- (7) livestock, feed, and veterinary supplies;
- (8) articles for commercial sale by all governmental bodies;
- (9) fresh fruits, vegetables, meats, fish, milk, and eggs;
- (10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;
- (11) published books, periodicals, and technical pamphlets;
- (12) South Carolina Research Authority;
- (13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;
- (14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;
- (15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4).
- (16) the acquisition by the Department of Public Safety of vehicle and road equipment maintenance and repair and other emergency-type parts and equipment.

(B) The State Fiscal Accountability Authority shall maintain and

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post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A);

SECTION 22. Section 12-28-2740 of the S.C. Code is amended to read:

Section 12-28-2740. (A) The proceeds from ~~two and sixty-six~~ three and ninety-nine one-hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one-third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one-third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one-third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. The Department of Revenue shall collect the information required pursuant to Section 12-28-1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection ~~(H)~~(I). The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

(B) All interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties under this section in proportion to each county's portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own "C" funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own "C" funds.

~~(B)(C)(1)~~ The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee.

(2) The county legislative delegation shall appoint the county transportation committee, and shall ensure that the committee includes

fair representation from municipalities and unincorporated areas of the county. All members of the county transportation committee must be residents of the county. The Department of Transportation shall publish a register on its website of members of the respective county transportation committees. The county transportation committee shall publish on the county website the members of the county transportation committee.

(3) The countywide transportation plan shall list the criteria by which projects shall be selected by the county transportation committee. The criteria shall include, but not be limited to, the condition of state and local highway roads and bridges, safety, efficient traffic operations, and economic development. The plan shall be updated at least every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. The county transportation committee shall publish on the county website the countywide transportation plan.

(4) County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. The regional transportation plan shall be updated every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee.

(5) A county transportation committee may expend from the funds allocated under this section an amount not to exceed ~~tweten~~ thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

(6) A county transportation committee shall comply with notice requirements under Section 30-4-80(a). The agenda shall include the proposed actions of the county transportation committee and include the requested amount of "C" funds to be allocated.

(7) A county transportation committee shall comply with the minutes requirements Section 30-4-90. The minutes shall include the final amount of "C" funds allocated to each recipient.

(8) A county transportation committee shall meet at least twice annually.

~~(C)(D)~~ At least ~~twenty-five~~ thirty-three percent of a county's

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apportionment of "C" funds, based on a biennial averaging of expenditures, must be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to ~~seventy-five~~ sixty-seven percent of "C" construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

~~(D)~~(E) The funds allocated to the county also may be used to issue county bonds or state highway bonds as provided in subsection ~~(J)~~(K), pay directly for appropriate highway projects, including engineering, contracting, and project supervision, and match federal funds available for appropriate projects. Beginning July 1, 2002, for any new "C" fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year. Expenditures must be documented on a per-project basis upon the completion of each project in reports to the respective county transportation committees. This documentation must be provided by the agency or local government actually expending the funds and it shall include a description of the completed project and a general accounting of all expenditures made in connection with the project summaries of these reports then must be forwarded by each county transportation committee to the department using guidelines established by the department and the department shall compile these reports into an annual statewide report to be submitted to the General Assembly by the second Tuesday of January of each year. The documentation and reporting requirements of this subsection apply only to counties administering their own "C" funds. For purposes of this section, "uncommitted funds" means funds held in the county's "C" fund account that have not been designated for specific projects.

~~(E)~~(F) All unexpended "C" funds allocated to a county remain in the account allocated to the county for the succeeding fiscal year and must be expended as provided in this section.

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~~(F)~~(G) The countywide and regional transportation plans provided for in this section must be reviewed and approved by the Department of Transportation. Before the expenditure of funds by a county transportation committee, the committee shall adopt specifications for local road projects. In counties electing to expend their allocation directly pursuant to subsection (A), specifications of roads built with “C” funds are to be established by the countywide or regional transportation committee. In counties in which the county transportation committee elects to have “C” funds administered by the Department of Transportation, primary and secondary roads built using “C” funds must meet Department of Transportation specifications.

~~(G)~~(H) This section must not be construed as affecting the plans and implementation of plans for a Statewide Surface Transportation System as developed by the Department of Transportation.

~~(H)~~(I)(1) For purposes of this subsection, “donor county” means a county that contributes to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer to the donor counties an amount equal to seventeen million dollars in the ratio of the individual donor county's contribution in excess of “C” fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties.

(2) A county is eligible for an additional allocation from the Department of Transportation if the county contributed to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A) plus what it receives under item (1). The Department of Transportation annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the ratio of the individual eligible county's contribution to the “C” fund in excess of the eligible county's total allocations under subsection (A) and item (1) to the total excess contributions of all eligible counties remaining after all allocations under subsection (A) and item (1) have been made. Under no circumstances can an allocation under this item result in an eligible county receiving total allocations in excess of what the county contributed to the “C” fund.

~~(H)~~(J)(1) In expending funds pursuant to this section, counties that administer their own “C” funds shall use a procurement system that requires competitive sealed bids, no bid preferences not required by state or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred thousand dollars must be

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accompanied by certified bid bonds, and all work awarded under the contracts must be covered by performance and payment bonds for one hundred percent of the contract value. Bid summaries must be published in a newspaper of general distribution following each award.

(2) The requirement of a bond for bid security or a bond for payment and performance may not include the requirement that the surety bond be furnished by a particular surety company or through a particular agent or broker.

~~(J)(K)~~ State highway bonds may be issued for the completion of projects for which "C" funds may be expended for projects as determined by the county transportation committee. ~~The applicable source for payment of principal and interest on the bonds is the share of "C" fund revenues available for use by the county transportation committee.~~ The application for the bonds must be filed by the county transportation committee with ~~the Commission of~~ the Department of Transportation and the State Treasurer, which shall forward the application to the State Fiscal Accountability Authority. The Department of Transportation shall review the request and ensure it includes the information and schedules contemplated by Section 57-11-220 and that estimated principal and interest on the proposed bonds may be met from such county's "C" funds, and if it, through the Secretary of Transportation, finds that such request, as submitted or as supplemented by the department, includes the required information, demonstrates that available "C" funds will satisfy estimated principal and interest on the proposed bonds, and does not unreasonably impact the published plans of the Department of Transportation, then it shall submit such request for state highway bonds to the State Fiscal Accountability Authority. The State Fiscal Accountability Authority shall consider the ~~application request~~ in the same manner that it considers state highway bonds, mutatis mutandis. The county transportation committee shall allocate and apply from its share of "C" fund revenues available for use by the county transportation committee the amount of principal and interest on the state highway bonds. The department shall provide notice of the debt service requirements of such state highway bonds upon the issuance thereof to the county transportation committee.

~~(K)(L)~~ Members of the committee are insulated from all personal liability arising out of matters related directly to and within the scope of the performance of official duties and functions conferred upon the committee pursuant to this section.

~~—(L) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.~~

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~~—(M) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996. In addition to the members and appointment procedures of the Dorchester County Transportation Committee as provided by this section and subsection, two additional members of the county transportation committee must be appointed from that portion of the Town of Summerville in Dorchester County and that portion of the City of North Charleston in Dorchester County. These members must be residents of the designated municipalities and of the county, and notwithstanding another provision of this subsection, must be appointed by the governing body of the respective municipality.~~

~~—(N) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996 and Section 2, Act 141 of 2001.~~

~~(O)(M) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution abolish the county transportation committee and devolve its powers and duties to appoint the members of the committee to on the governing body of the county. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding.~~

~~(P)(N)~~ The Department of Transportation shall perform reviews to ensure compliance with subsections (C)(3), (C)(4), (C)(5), (C)(6), (C)(7), (C)(8), (C)(D), (D)(E), (F)(G), and (H)(J). A county failing to comply with these subsections must have all subsequent “C” fund allocations withheld until the requirements of those subsections are met. If a county fails to comply with those subsections within twenty-four months, then the county forfeits fifty percent of its allocations for the following year and the forfeited amount must be divided among the other counties as provided in subsection (A).

~~(Q)(O)~~ A county subject to a proposed withholding or forfeiture of “C” fund allocations pursuant to this section must be notified in writing of the department's decision. The county, within sixty days of receipt of notice of the decision, may request a review of the decision by a panel consisting of the state highway engineer or his designee, the chairman of the affected county's transportation committee or his designee, and a third person named by mutual agreement between the state highway engineer and the county transportation committee chairman. The panel shall meet and render a decision within ninety days of the request by the

county transportation committee. The decision of the panel may be appealed by requesting a contested case hearing before the Administrative Law Court pursuant to Section 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must be made within thirty days of receipt of the panel's decision.

~~(R)(P)~~ The legislative delegation of the county, by resolution, may rename the county transportation committee established by this section as the (insert name of county) Legislative Delegation transportation committee. Upon the adoption of such a resolution, all references in this section and any other provisions of law to the county transportation committee, for purposes of that county, are deemed references to that county's legislative delegation transportation committee.

~~—(S) Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this chapter that must be deposited with the State Treasurer and expended for the purposes of this section must be increased by .3325 cents a gallon, until such time as the total amount equals three and ninety nine one hundredths cents a gallon. Any increase in proceeds resulting from the provisions of this subsection must be used exclusively for repairs, maintenance, and improvements to the state highway system.~~

(Q) It is unlawful for a member of a county transportation committee, an engineer, agent, or other employee, acting for or on behalf of a committee, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

- \_\_\_\_ (1) money;
- \_\_\_\_ (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;
- \_\_\_\_ (3) political appointment or influence, present, or reward;
- \_\_\_\_ (4) employment; or
- \_\_\_\_ (5) other thing of value.

A person violating the provisions of subsection is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(R) Any official or employee of a county transportation committee is subject to the provisions of Chapter 13, Title 8, the State Ethics Act.

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SECTION 23. Section 12-28-2920 of the S.C. Code is amended to read:

Section 12-28-2920. The department shall review projects for the possibility of constructing toll roads to defray the cost of these projects pursuant to the authority granted the department in ~~Section 57-5-1330~~ Title 57, Chapter 5, Article 9, as well as Section 57-3-205. No project may be funded in whole or in part by means of imposing a toll on the users of the project ~~unless in conjunction with federal funds authorized for use on toll roads~~ it is determined to be substantially feasible by the department, taking into account all funding sources. The funds derived from tolls must be:

(1) credited to the State Highway Fund ~~or~~;

~~(2) retained and applied by the entity or entities developing the toll road pursuant to an agreement authorized under Section 57-3-200 or 57-3-205 for the purpose of funding the cost of construction, financing, operation, and maintenance of the toll project; or~~

~~(2)(3) used to service bonded indebtedness for highway transportation purposes incurred pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution; or~~

(4) used to pay for the operation and maintenance costs of the toll project.

~~— Upon repayment of the cost of construction and financing, toll charges shall cease.~~

SECTION 24. Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1800 (A) There is established within the Department of Transportation the Pothole Mitigation Program for the purposes of public reporting of pothole locations along the state highway system. The department must implement the program in each county.

(B) The Pothole Mitigation Program must provide means for the public to report the location of potholes to the department via telephone, the internet, a website application, or other electronic means as determined by the department. Within one year of adoption of this act, the department shall make available on the commercial mobile application stores a free application that allows the public to report the location of a pothole. The department must post notices in conspicuous locations including the department website, the State Highway Map, rest areas, and other facilities that provide information about the means for the public to report potholes.

(C) The department must ensure that, within seven days of receiving notice of the location of a pothole, the pothole is repaired. Each

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pothole repair must be a permanent repair unless weather conditions, emergency events, supplier availability, or other exigent circumstance requires a temporary repair until a permanent repair can be made. The department may use its own personnel or may contract with outside parties for pothole repair pursuant to the Pothole Mitigation Program.

(D) From the Infrastructure Maintenance Trust Fund, the department shall annually allocate \$15 million for full depth pavement repairs of repetitive potholes as identified in Section 57-5-1800(B). These funds shall be in addition to existing funds allocated for pavement rehabilitation.

SECTION 25. Section 57-11-210 of the S.C. Code is amended to read:

Section 57-11-210. The terms ~~defined herein shall have the meanings hereinafter set forth~~ used in this section shall have the following meaning:

(1) "Fiscal year" means the fiscal year upon which the affairs of the State of South Carolina are then being conducted. As of the date of this enactment it is that which begins on July first and ends on June thirtieth of the succeeding calendar year.

(2) "Fuel oil user fee" means the user fee levied pursuant to Chapter 28, Title 12.

(3) "Gasoline user fee" means the per gallon user fee imposed upon gasoline, components thereof or substitutes therefor, pursuant to the provisions of Chapter 28 of Title 12.

(4) "Commission" means that agency of government now composed in accordance with the provisions of Article 3 of Chapter 1, Title 57, and any other commission or agency of government hereafter exercising the powers granted to the commission pursuant to the provisions of Chapter 1, Title 57.

(5) "Highway transportation purposes" means the construction of roads and bridges now or hereafter made a part of the state highway system, or the reconstruction and improvement of highways and bridges now or hereafter made a part of the state highway system and to provide state funds to obtain matching federal highway funds.

(6) "Motor vehicle license tax" means the annual tax imposed upon a corporation, an individual, and an owner of a motor and other vehicle pursuant to the provisions of Title 56 and Title 57.

(7) "Road tax" means the road tax imposed on motor carriers pursuant to Chapter 11, Title 56.

(8) "Sources of revenue" means the gasoline user fee, the fuel oil user fee, the road tax, the alternative fuel fees, and the motor vehicle license tax.

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(9) "Authority" means the State Fiscal Accountability Authority of South Carolina.

(10) "State highway bonds" means all general obligation bonds of the State of South Carolina designated as state highway bonds, which are now outstanding and which may hereafter be issued pursuant to the authorizations of this article.

(11) "Alternative fuel fees" means those charges imposed pursuant to Section 56-3-645.

SECTION 26. Section 56-3-645 of the S.C. Code is amended to read:

Section 56-3-645. (A) In addition to the registration fees imposed by this chapter, the owner of motor vehicles that are powered:

(1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section 12-28-110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial ~~road-use~~alternative fuel fee of ~~one-four~~ hundred ~~twenty~~ dollars; and

(2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial ~~road-use~~alternative fuel fee of ~~sixty-two~~ hundred dollars.

(B) Notwithstanding subsection (A), when a vehicle owner registers a vehicle with a declared gross vehicle weight, pursuant to Section 56-3-660, of at least eleven thousand one pounds that is powered by a source prescribed in either subsection (A)(1) or (A)(2), the owner owes the applicable alternative fuel fee plus an additional ten percent. The total alternative fuel fee owed increases ten percent for each of the gross vehicle weight ranges prescribed in Section 56-3-660(B). Vehicle owners registered under Section 56-3-660 must pay the applicable amount based on the gross vehicle weight of the registered vehicle. Commercial motor vehicles powered by alternative fuels that participate in the international registration plan or international fuel tax agreement are exempt from this subsection.

(C) Beginning October 1, 2030, and every fourth year thereafter, the Revenue and Fiscal Affairs Office must review and may adjust the amount of fees charged pursuant to subsection (A)(1) and (A)(2) according to the average change in the Consumer Price Index for All Urban Customers as published by the Bureau of Labor Statistics of the United States Department of Labor from the previous review. The adjustment may be either upward or downward in accordance with the Consumer Price Index. The Office must report the new fee to the Department of Motor Vehicles no later than October fifteenth of the

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appropriate year. The department must apply the revised fee amount to vehicles subject to the fee beginning with those required for registration in January of the next calendar year and conspicuously post the new fee on its official agency website. This does not apply to section 56-3-645(B).

~~(B)~~(D) All of the fees collected pursuant to this section must be credited to the ~~Infrastructure Maintenance Trust Fund~~State Highway Fund.

~~(C)~~(E) The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is ~~titled or~~ registered.

(F) The charges imposed by this section constitute a tax or license imposed upon individuals or vehicles for the privilege of using the public highways of the State.

SECTION 27. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving the state's transportation system as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 28. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 29. This act takes effect upon approval by the Governor. County Legislative delegations have ninety days from the effective date of this act to comply with the provisions of Section 12-28-2740(C)(2).

Renumber sections to conform.

Amend title to conform.

Rep. BANNISTER moved to table the amendment, which was agreed to.

[HJ]

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Rep. Bannister proposed the following Amendment No. 2 to S. 831 (LC-831.DG0030H), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 57-1-410 of the S.C. Code is amended to read:

Section 57-1-410. The ~~commission~~ Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~commission~~ Governor. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

SECTION 2. Notwithstanding Section 57-1-410, as amended by this act, a Secretary who is currently serving and has been confirmed by the Senate immediately before the effective date of SECTION 1 shall continue in that capacity until a successor has been appointed by the Governor and confirmed by the Senate.

SECTION 3. Section 1-30-10(B)(1)(iv) of the S.C. Code is amended to read:

(iv) in the case of the Department of Transportation, a ~~seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.

SECTION 4. Effective January 1, 2027, the Commission of the Department of Transportation is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the Secretary of the Department of Transportation unless otherwise provided for in this act.

SECTION 5. Section 1-30-105 of the S.C. Code is amended to read:

Section 1-30-105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted

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on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56-1-5, and the State Highway Patrol, formerly provided for at Section 56-1-10, et seq.

(B) Notwithstanding another provision of law, effective January 1, 2027, the governing authority of the Department of Transportation is the Secretary of Transportation pursuant to Section 57-1-410.

SECTION 6. Section 11-43-140 of the S.C. Code is amended to read:

Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the ~~Chairman~~Secretary of the Department of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President of the Senate; and one member of the Senate appointed by the President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.

SECTION 7. Section 11-43-150(D) of the S.C. Code is amended to read:

~~(D) Before providing a loan or other financial assistance to a qualified borrower on a qualified project, the board of directors must submit the decision to the Department of Transportation Commission for its consideration. The Department of Transportation Commission can approve or reject the board of directors' decisions or request additional information from the board of directors. This requirement does not apply to decisions by the board that relate to any payment or contractual obligations that the Department of Transportation has to the bank that are pledged to any bonds issued by the bank.~~

SECTION 8. Section 57-1-10 of the S.C. Code is amended to read:

Section 57-1-10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

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(1) ~~“Commission” means the administrative and governing authority of the Department of Transportation~~ Reserved.

(2) “Department” means the Department of Transportation (DOT).

(3) “Secretary of Transportation” means the Chief Administrative Officer of the Department of Transportation.

SECTION 9. Section 57-1-40 of the S.C. Code is amended to read:

Section 57-1-40. (A) It is unlawful for ~~a member of the commission or an official~~, an engineer, agent, or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission or an official~~, an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a

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felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) ~~The members and employees of the commission and employees~~ Any official or employee of the department are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act.

SECTION 10. Section 57-1-430(A) of the S.C. Code is amended to read:

(A) The secretary is charged with the affirmative duty to establish and carry out the policies of the ~~commission~~ department, to administer the day-to-day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. ~~He~~ The secretary must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. ~~The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.~~

SECTION 11. Section 57-1-500 of the S.C. Code is amended to read:

Section 57-1-500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for ~~the commissioners~~, the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.

SECTION 12. Section 57-3-50 of the S.C. Code is amended to read:

Section 57-3-50. The ~~commission~~ department may establish such highway districts as in its opinion ~~shall be~~ are necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make ~~such~~ changes as that may be necessary for the proper and efficient operation of the districts.

SECTION 13. Section 57-1-90(A) of the S.C. Code is amended to read:

(A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of the ~~South Carolina Transportation Commission~~ secretary, or the South Carolina Department of Transportation shall have the effect of

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discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the ~~commission~~secretary, or department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.

SECTION 14. Section 57-3-210(A) of the S.C. Code is amended to read:

(A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department, ~~the commission~~, and the federal government.

SECTION 15. Section 57-3-700 of the S.C. Code is amended to read:

Section 57-3-700. With the approval of the ~~commission~~Secretary of Transportation, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary ~~rights-of-way~~rights of way and other lands.

SECTION 16. Section 57-5-10 of the S.C. Code is amended to read:

Section 57-5-10. The state highway system shall consist of a statewide system of connecting highways that shall be constructed to the Department of Transportation's standards and that shall be maintained by the department in a safe and serviceable condition as state highways. The department may utilize funding sources including, but not limited to, the State Non-Federal Aid Highway Fund and the State Highway Fund as established by Section 57-11-20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways added to the state highway system by the ~~Commission of the Department~~Secretary of Transportation, and the roads, streets, and highways that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

- (1) interstate system of highways;
- (2) state highway primary system; and
- (3) state highway secondary system.

SECTION 17. Section 57-5-50 of the S.C. Code is amended to read:

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Section 57-5-50. The ~~commission~~Secretary of Transportation may transfer any route or section of route from the state highway secondary system to the state highway primary system, or vice versa, when, in ~~its~~the secretary's judgment, such transfer is advisable to better serve the traveling public.

SECTION 18. Section 57-5-90 of the S.C. Code is amended to read:

Section 57-5-90. The ~~commission~~department may establish such belt lines or spurs as it deems proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for the construction and maintenance of the state highway system, but the total length of such belt lines and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal year; provided, that should the ~~commission~~department fail to establish belt lines or spurs during a fiscal year the allocation to the counties shall be continued from year to year and the mileage shall be cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this section shall remain to the credit of the county to which it accumulated.

SECTION 19. Section 57-5-310 of the S.C. Code is amended to read:

Section 57-5-310. The ~~commission and the~~ Department of Transportation may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the department or for the building and maintenance of the public highways in the state highway system.

SECTION 20. Section 57-5-340 of the S.C. Code is amended to read:

Section 57-5-340. The department shall continuously inventory all of its real property. When, in the judgment of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the ~~commission or the~~ department, the sale or transfer shall be made public by publishing notice of it ~~in the minutes of the next succeeding meeting of the commission~~ on the website maintained by the department. The ~~commission and the~~ department shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department's acquisition of the property. ~~However, any funds derived from the sale of~~ ~~right-of-way~~right

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of way, which the department has purchased, in excess of the department's cost shall be distributed among the counties as C funds pursuant to Section 12-28-2740.

SECTION 21. Sections 57-13-10 through 57-13-20 of the S.C. Code are amended to read:

Section 57-13-10. The ~~commission~~Secretary of Transportation may cooperate and negotiate with the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of bridges constructed or to be constructed across streams which constitute boundaries between this State and such adjoining states and may expend for such purposes not exceeding one half of the total cost of such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such expenditures to be made from the funds available for the construction and maintenance of highways and bridges in the state highway system.

Section 57-13-20. Any county may, with the approval of the ~~Commission~~department, provide the funds necessary for participation in the construction, purchase or acquisition of any such bridge as is described in Section 57-13-10 and shall be entitled to reimbursement therefor under the provisions of Article 1, ~~of Chapter 11 of this Title~~.

SECTION 22. Sections 57-13-40 through 57-13-50 of the S.C. Code are amended to read:

Section 57-13-40. The ~~commission~~department may permit any person, county or municipality, or any combination thereof, to construct toll bridges and appertaining structures suitable for highway traffic on any roads of the state highway system. But before any such permit is issued an agreement satisfactory to the Department of Transportation must be executed by the person receiving such permit fixing conditions under which the bridge is to be constructed, the character and design of the structure, the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the State or counties concerned.

Section 57-13-50. ~~No~~A permit ~~shall~~may not be issued by the ~~Commission~~department under the authority of Section 57-13-40 except after advertisement of all the terms and conditions affecting such permit in at least five daily newspapers of this State and after the county legislative delegation of every county directly adjacent to the bridge has been given formal notice, describing such terms and conditions, and has approved such terms and conditions.

SECTION 23. Section 57-25-120(4)(d) of the S.C. Code is amended to read:

(d) land on the opposite side of a nonfreeway primary highway

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which is designated scenic by the ~~commission~~department.

SECTION 24. Section 57-25-140(D)(4) and (J) of the S.C. Code is amended to read:

(4) scenic areas designated by the ~~commission~~department or other state agency having and exercising that authority.

(J) Signs permitted under ~~items (1), (2), (3), and (4) of subsection (A)(1), (2), (3), and (4)~~ must comply with the regulations promulgated by the ~~commission~~department in accordance with uniform national standards.

SECTION 25. Section 57-25-150(A) and (D) of the S.C. Code is amended to read:

(A) The ~~commission~~department shall issue permits for the erection and maintenance of outdoor advertising signs coming within the exceptions contained in ~~items (1), (2), and (3) of subsection (A) of Section 57-25-140(A)(1), (2), and (3)~~, consistent with the safety and welfare of the traveling public necessary to carry out the policy of the State declared in this article and consistent with the national standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant to ~~Title 23, United States Code~~U.S.C. Title 23.

The ~~commission~~department also shall promulgate regulations governing the issuance of the permits and standards for size, spacing, and lighting of the signs and their messages.

(D) The ~~commission~~department shall promulgate regulations governing the issuance of permits which must include mandatory maintenance to ensure that all signs are always in a good state of repair. Signs not in a good state of repair are illegal.

SECTION 26. Section 57-25-170 of the S.C. Code is amended to read:

Section 57-25-170. The ~~commission~~department may provide within the ~~right-of-way~~ right of way for areas at appropriate distances from interchanges on the interstate system and controlled access roads on the federal-aid primary system on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained under standards and regulations authorized to be adopted and promulgated by the ~~commission~~department. The standards and regulations may provide for cooperative agreements between the Department of Transportation and private interests for the use and display of names for FOOD, LODGING, and GAS information signs on the highway ~~right-of-way~~right of way.

SECTION 27. Section 57-25-200(A) of the S.C. Code is amended to read:

(A) Within the requirements of this article the ~~commission~~Secretary

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[of Transportation](#) may enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas and take action in the name of the State to comply with the terms of the agreements.

SECTION 28. Section 57-25-210 of the S.C. Code is amended to read:

Section 57-25-210. The ~~commission~~[department](#) is not required to expend funds for the removal of outdoor advertising under this article until federal funds are made available to the State for the purpose of carrying out the provisions of this article and the ~~commission has entered into an agreement with the Secretary of Transportation as authorized by Section 57-25-200~~[department](#) and as provided by the Highway Beautification Act of 1965.

SECTION 29. Sections 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, and 57-1-350 of the S.C. Code, and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

SECTION 30. Sections 57-1-360(B) through Section 57-1-370 of the S.C. Code are amended to read:

Section 57-1-360. (B)(1) The chief internal auditor must be a ~~certified public accountant~~Certified Public Accountant, a certified internal auditor, or a certified fraud examiner, and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The scope of internal audit services shall cover the entire department, including all the department's activities, assets, and personnel. The scope of internal audit activities also encompasses all, but is not limited to, objective examinations of evidence to provide independent assurance on the adequacy, effectiveness, and efficiency of governance, risk management, control processes, and compliance for the department. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the ~~secretary, the commission and~~ the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education

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and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public. All final audit reports shall be published on the department's and the State Auditor's websites.

(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.

(4) Every four years the State Auditor shall employ an independent external firm to perform a performance and organizational audit on the Department of Transportation. The audit firm must be selected by the State Auditor. A report from the independent external firm must be completed by January 15, 2028, and every four years after that time. Upon completion, the report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the Senate Transportation Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.

Section 57-1-370. (A) The ~~commission~~department must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the ~~commission~~department must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the

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Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization's approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the ~~commission~~[department](#) shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

~~(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a~~

~~comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Non-Federal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering the criteria in subsection (B)(8).~~

~~(2)(C)~~ When state funding is programmed for a project ~~selected from the plan to be undertaken~~, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

~~(D) The commission must approve the department's annual budget.~~

~~(E)(D)~~ The ~~commission~~department shall have any other rights, duties, obligations, or responsibilities as specifically provided by law.

SECTION 31. Section 57-3-20 of the S.C. Code is amended to read:

Section 57-3-20. The responsibilities and duties of the following ~~division deputy directors~~ deputy secretaries must include, but not be limited to, the following:

(1) ~~division deputy director for finance and administration~~ Deputy Secretary for Finance and Administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; ~~and~~

(c) administrative functions, including ~~recording proceedings of the commission and~~ developing policy and procedures ~~to ensure compliance with these policies and procedures;~~ and

(d) financial management of funding from federal, state, and local transit, rail, and other intermodal transportation.

(2) ~~division deputy director for construction, engineering, and planning~~ Deputy Secretary for Engineering:

(a) ~~develop statewide strategic highway plans; and~~ operations and management of the department's highway districts;

(b) direct highway engineering activities, including preconstruction, construction, design, construction oversight, and maintenance of state highways; and

(c) establish project and program priority lists.

(3) ~~division deputy director for intermodal and freight programs~~ Deputy Secretary for Intermodal and Freight Programs:

(a) develop a statewide public transit system;

(b) coordinate the preservation and revitalization of existing rail

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corridors;

(c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;

(d) ~~plan, develop, and coordinate~~ and implement a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems; and

~~(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and~~

~~(f)~~(e) manage the Office of Railroads and the Office of Public Transit.

(4) Deputy Secretary for Planning:

(a) develop statewide strategic transportation plans; and

(b) coordinate statewide plans with federal and state-funded regional and local transportation planning organizations.

SECTION 32. Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-205. (A) The department may enter into public-private partnership arrangements between or among the department and any public or private entity for the purpose of planning, designing, financing, constructing, operating or maintaining the highways, roads, streets, bridges, public transit, and work, improvements or facilities incidental or related thereto under the jurisdiction of the department. The provisions of this section may be used with any other provisions of state law to accomplish one or more projects.

(B) Public-private partnership arrangements may take the form of design-build agreements, design-build-operate agreements, design-build-operate-maintain agreements, design-build-finance-operate-maintain agreements, franchise agreements, pre-development agreements, tolling services agreements, direct agreements, guarantees, concession agreements, lease agreements, availability payments agreements, performance-based payments agreements, or any other form of contract approved by the department, or other similar arrangements or agreements pursuant to which the design, right-of-way acquisition, relocation of structures or utilities, construction, financing, management, maintenance, and operation, or any combination thereof, of a public highway, road, streets, buildings and facilities owned by the department, broadband technology, bridge, public transit project and work, improvements or facilities incidental or related thereto is accomplished by the department or on behalf of the

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department by any public or private entities or methods. Additionally, such agreements may:

(1) be short-term or long-term agreements, but not exceed sixty years;

(2) authorize the establishment, adjustment, indexation, and enforcement of fares, tolls, or other user fees, including time-of-day or dynamic pricing, consistent with policies adopted by the department, which may allow enforcement through photo monitoring, cashless tolling, toll-by-mail, and toll-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a turnpike facility designated under Article 9, Chapter 5, Title 57;

(3) specify a revenue application waterfall, reserves, rate covenants, and collection and enforcement measures; and

(4) be structured on a revenue-risk, availability-payment, or hybrid basis, including shadow tolls or usage-based performance components.

(C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize funding to be established, set, modified, adjusted, and retained by the private entity, may include fares, tolls, or other user fees for use of the project that is the subject of the arrangement, and the department may provide enforcement and collection services for the benefit of a public-private partnership arrangement. The funding may be distributed among the participants in the project as may be provided for by contract. Multiyear payment obligations may be appropriation backed availability payments or milestone payments and may include standard non-appropriation clauses and termination-for-non-appropriation remedies with predefined compensation formulas.

(D) The department may:

(1) take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose and the public-private partnership arrangements authorized by this section and may enter into any contracts required to receive such assistance;

(2) determine that it serves the public purpose and the public-private partnership arrangements authorized by this section for all or any portion of the costs of a project to be paid, directly or indirectly, from the proceeds of a grant or loan made by federal, state, or local government or any agency or instrumentality thereof. Such assistance includes, but is not limited to, assistance under the Transportation Infrastructure Finance and Innovation Act, railroad rehabilitation and improvement financing, private activity bonds, and other federal credit

or tax-exempt financing programs; and

(3) cooperate with private partners to obtain allocations or approvals necessary for the issuance of private activity bonds and similar instruments, and may establish or incorporate, or assist in the establishment and incorporation of, a not-for-profit corporation or entity for purpose of borrowing funds through a governmental conduit bond issuer for the benefit of a project procured by the department.

(E) Any contract entered into pursuant to this section shall require the private partner or each of its prime contractors to provide performance and payment security to the extent deemed necessary by the department or required by the financing parties. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required to adequately protect the department, the state, and the contracting and subcontracting parties.

(F) Notwithstanding any provision of law to the contrary, proposals under this section, with respect to public highway, road, bridge, building, facility, or public transit projects or work incidental or related thereto that the department determines can be more efficiently accomplished by any of the means enumerated in this section, may be evaluated and awarded by the department based on qualifications of participants or best value, or both, as evaluated by procedures of the department and taking into consideration the best interest of the State of South Carolina. Projects authorized under a predevelopment agreement may be authorized without specifying or finalizing the full or final scope of work to be performed under the procurement or pre-development agreement. The department may utilize a two-step request for qualifications or request for proposals process with shortlisting, conduct competitive dialogue or confidential meetings with proposers, solicit and accept alternative technical concepts, and make best-value tradeoffs without mandated formulaic weights.

(G)(1) To the extent not authorized by statutory provisions other than this section, the solicitation pursuant to subsection (B) for a given project must be submitted to the Joint Bond Review Committee for review and comment prior to advertisement of the solicitation.

(2) The contract may include an agreement to make payments to a development entity on a multi-year basis, provided either that payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds for such periods, or that

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specific, limited revenues are identified in a solicitation which has received review and comment by the Joint Bond Review Committee prior to the solicitation of the procurement and such revenues are payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax.

(3) The department may set up separate accounts, which may be with a commercial trustee, to account for any such funds and provide for the deposit and disbursement of moneys therein under the public-private partnership arrangement.

(4) The department shall notify the Joint Bond Review Committee within thirty days of execution of the public-private partnership arrangement and shall provide the Joint Bond Review Committee an annual report within one hundred twenty days of the end of each fiscal year regarding the status of all public private partnership arrangements outstanding.

(H) When the department proposes to enter into a public-private partnership arrangement under this section, it shall, prior to the execution and delivery of the contract documents for the public-private partnership arrangement, file a copy of the documents in the office of the Secretary of State. It is the duty of the Secretary of State to file and index the filing in a special book to be kept by such officer for such purpose. The Secretary of State shall be authorized to prepare and deliver certified copies of the filed documents and to deliver them to interested parties. For each certification a reasonable fee may be charged. No action shall be commenced on account of the validity of a public-private partnership arrangement after the expiration of twenty days from the date of the filing and indexing of the proposed contract documents for the public-private partnership arrangement in the office of the Secretary of State. The period within which such actions may be commenced shall not begin to run until such records have been filed as prescribed in this section.

(I)(1) Before entering into any public-private partnership arrangement structure, the department shall promulgate regulations governing the solicitation, evaluation, award, financing, and oversight of such projects.

(2) Notwithstanding item (1), the department may enter into agreements with an adjoining state to administer a public-private partnership arrangement structure in the state as long as such agreement has been submitted to the Joint Bond Review Committee for review and comment prior to execution.

(3) The department may promulgate other regulations to

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implement the provisions of this section.

SECTION 33. Section 57-3-615 of the S.C. Code is amended to read:

~~Section 57-3-615.—If a toll is administered on a project by the Department of Transportation, the toll must be used to pay for the construction, maintenance costs, and other expenses for only that project. A toll project that is in excess of one hundred fifty million dollars may only be initiated as provided in Chapter 37 of Title 4.~~

~~— No toll may be imposed on passage of any vehicle on federal interstate highways in this State which were in existence as of January 1, 1997, unless the imposition is otherwise affirmatively approved by the General Assembly in separate legislation enacted solely for that purpose.~~

(A) No toll may be imposed on the passage of any vehicle on any publicly owned or controlled road, bridge, highway, or interstate in this State except as provided by this section. Any toll imposition must be allowed by or not contrary to federal law. Tolls may be imposed on a publicly owned or controlled road, bridge, highway, or interstate under any of the following circumstances:

— (1) the toll imposition is specifically authorized by the General Assembly;

— (2) the toll imposition is on a turnpike facility designated under Article 9, Chapter 5, Title 57; or

— (3) the toll imposition is reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority in connection with an agreement under Section 57-3-200 or 57-3-205 prior to the solicitation of proposals for the agreement. The manner and method of toll imposition and rate setting are not required to be reviewed or approved, but must be set forth in the agreement, as may be amended from time to time.

(B) Tolls imposed under subsection (A)(2) or (3) of this section may only be imposed on managed or choice lane facilities that increase the capacity of the applicable road, bridge, highway, or interstate. Managed or choice lane facilities are those facilities that are actively managed to achieve more effective and efficient use of a road, bridge, highway, or interstate using various strategies including but not limited to pricing, vehicle eligibility, and access control; the managed or choice lane facilities shall be in addition to and not in place of existing lanes.

(C) Tolls may continue to be imposed on the passage of vehicles on any publicly owned or controlled road, bridge, highway, or interstate in this State on which tolls were imposed as of January 1, 2026.

SECTION 34. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

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Section 57-3-790. (A) The State waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326 and 327. The waiver of immunity under this section is valid only if:

(1) the Secretary of Transportation executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Sections 326(c) and 327(c);

(2) before execution of the memorandum of understanding under subsection (A), the South Carolina Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the State;

(3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Sections 326 and 327; and

(4) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

(B) Within one year of submitting an application to assume administration of 23 U.S.C. Sections 326 and 327, otherwise known as the National Environmental Policy Act (NEPA) Assignment Program pursuant to this section, the secretary shall issue a NEPA Manual detailing the manner in which the department will carry out its NEPA responsibilities. The department must provide a public comment period of at least thirty days on a draft NEPA Manual prior to issuance of a final NEPA Manual.

(C) The department must annually publish a report describing the department's assumption of NEPA responsibilities. The annual report must be made available to the public and posted on the department's website. That report shall include, but not be limited to, an analysis of time savings, an analysis of positive and negative financial impacts, and a summary of any legal actions challenging the department's actions under the program.

(D) The Secretary of Transportation is given the authority to coordinate with the Director of the Department of Environmental Services, the Director of the Department of Natural Resources, the Director of the Department of Archives and History, and any other

agency head whose agency may impact the issuance of environmental decisions necessary to expedite the delivery of transportation projects. Such agency heads must be responsive to such requests of the Secretary of Transportation. The department shall include in the report required in subsection (C) on all state agency activities related to permit and environmental decisions related to transportation projects.

SECTION 35. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-800. The Department of Transportation may enter into reciprocal agreements with other jurisdictions including the federal government and any state, or agencies or departments thereof, to enforce toll violations. The agreement shall provide that, when another jurisdiction certifies that the owner of a vehicle registered in this State has failed to pay a toll, processing fee, or civil penalty due to that jurisdiction, the unpaid toll, processing fee, or civil penalty may be enforced by placing a registration suspension as if the owner of the motor vehicle has an outstanding judgment for failure to pay a toll under Section 56-3-1335, upon electronic notification by the Department of Transportation to the Department of Motor Vehicles. The agreement shall only be enforceable to the extent that:

(1) the other jurisdiction has its own reciprocal procedure for toll violation enforcement and does, in fact, reciprocate in enforcing toll violations within this State by withholding the registration renewal of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State;

(2) drivers and vehicles licensed or registered in this State, while operating on the highways and bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other jurisdiction while they are operating on the highways and bridges of this State;

(3) the owner of a vehicle registered in this State may present evidence to the other toll agency or jurisdiction by mail or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation allegedly occurred;

(4) the reciprocal violation enforcement arrangement between the department and the other toll agency provides that each party shall charge the other for costs associated with registration holds, or the like, in their respective jurisdictions.

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SECTION 36. Article 9, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1345. (A) In order to administer, collect, and enforce any toll, toll violation, processing fee, civil penalty, or registration-based enforcement mechanism authorized by this title, the Department of Transportation shall coordinate with the Department of Motor Vehicles to ensure access to current motor vehicle and owner registration data.

(B) The Department of Transportation shall, at a minimum, receive updated toll-related vehicle data from the Department of Motor Vehicles monthly. The data shall include, but is not limited to, vehicle identifiers, registration status indicators, and any information necessary to support toll billing, notice, enforcement actions, or registration renewal blocks authorized by law.

(C) The Department of Transportation and the Department of Motor Vehicles shall enter into a memorandum of understanding governing:

- (1) the frequency, format, and method of data exchange;
- (2) data security standards and confidentiality requirements;
- (3) limitations on use of the data solely for toll administration and enforcement purposes; and
- (4) procedures to ensure data accuracy, error resolution, and due process protections for registered vehicle owners.

(D) No toll enforcement action that relies upon registration suspension, renewal block, or similar Department of Motor Vehicles action may be initiated unless the vehicle data relied upon has been updated in accordance with this section.

(E) Nothing in this section authorizes the disclosure of personal information except as otherwise permitted by state and federal law.

SECTION 37. Sections 57-5-820 through 57-5-830 of the S.C. Code are amended to read:

Section 57-5-820. (A) As used in this section and Section 57-5-830:

(1) “Structurally deficient” means not adequate to handle the vehicle weights authorized on roads leading to them.

(2) “Functionally obsolete” means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.

(B)(1) All work to be performed by the ~~Department~~department on state highways within a municipality must be with the consent and approval of the proper municipal authorities, except that work performed or to be performed on a bridge and its approaches, certified by the ~~Department~~department as functionally obsolete or structurally deficient,

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to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway.

(2) A decision by a municipality to not consent and approve the work must be communicated in writing to the department within one hundred eighty days of receiving notice of the work from the department. A decision to disapprove of the work shall result in the cancellation of the project, unless the project is determined by the Governor to be in the best interest of the State.

(3) Failure to provide consent and approval within one hundred eighty days shall be deemed acceptance of the work.

(4) A municipality shall not conditionally approve the work to be performed by the department.

Section 57-5-830. In every case of a proposed permanent improvement, construction, reconstruction, or alteration by the ~~Department~~department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started, but in no event shall such review and approval of the plans delay the project schedule as communicated by the department to the municipality; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the ~~Department~~department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway. Any costs incurred by the department caused by the unreasonable delay in the review and approval of the plans shall be the responsibility of the municipality.

SECTION 38. Sections 57-5-1320 through 57-5-1360 of the S.C. Code are amended to read:

Section 57-5-1320. As used in this article: Unless the context indicates another meaning or intent:

(1) "Department" means the Department of Transportation;

(2) "Turnpike facility" means any express highway or limited access highway ~~constructed~~ or any specified lanes or portion thereof, designated and ratified or approved as such under the provisions of this article ~~by the department~~, whether or not financed with turnpike bonds, including any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, toll house, service station and administration and storage and other buildings and facilities which the department considers necessary or desirable. A turnpike facility constitutes a portion or extension of any existing or proposed highway in the state highway

system;

(3) "Bonds or turnpike bonds" means revenue bonds of the State authorized under the provisions of this article and Paragraph (9), Section 13, Article X of the South Carolina Constitution;

(4) "Authority" means the State Fiscal Accountability Authority;

(5) "Turnpike facility revenues" means all revenues resulting from tolls or other charges derived from the operation of a turnpike facility, including revenues derived from concession leases or other concessionaire operated facilities; and, to the extent designated by the bond resolution, such nontax revenues or other legally available funds as are or may be made available to the department from whatever source for the purpose of operating, financing, enforcing, and maintaining, or any combination thereof, turnpike facilities;

(6) "Bond resolution" means the resolution or resolutions of the state board authority making provision for the issuance of turnpike revenue bonds; as may be supplemented or amended from time to time;

(7) "General obligation bonds" means state highway bonds issued pursuant to Paragraph (6)(a), Section 13, Article X of the South Carolina Constitution;

(8) "State" means the State of South Carolina.

Section 57-5-1330. ~~1.(A)~~ The department may designate, establish, plan, improve, construct, maintain, operate, and regulate turnpike facilities as a part of the state highway system or any federal aid system whenever the department determines the traffic conditions, present or future, justify the facilities, except that the department may not designate as a turnpike facility any highway, road, bridge, or other transportation facility funded in whole or in part by a then imposed local option sales and use tax as provided in imposed pursuant to Chapter 37 of Title 4, unless by agreements with the applicable county government The department may utilize turnpike facilities revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any turnpike facility financed pursuant to this article. The authority to designate turnpike facilities under this section shall at all times be subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified or approved by the State Fiscal Accountability Authority.

~~2.(B) In every highway construction project, except federal and state secondary projects, rehabilitation and widening of federal and state primary and secondary road and bridge projects and highway safety projects, the Department shall consider making all or part of the highway construction a turnpike facility and financing it by the use of turnpike~~

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bonds. It shall make an entry in the construction project file indicating whether or not it determines making all or part of the project a turnpike facility. If the department determines it is feasible to make all or part of the any construction project a turnpike facility, then it may engage in the preliminary estimates and studies incident to the determination of the feasibility or practicability of constructing any toll road as it from time to time considers necessary and the cost of the preliminary estimates and studies must be paid from the general highway fund and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a toll road.

~~3-~~(C) The department may acquire such lands and property including rights of access as may be needed for turnpike facilities by gift, devise, purchase, or condemnation by easement or in fee simple in the same manner as now or hereafter authorized by law for acquiring property or property rights in connection with other state highways.

~~4-~~(D) In designating, establishing, planning, abandoning, improving, constructing, maintaining and regulating turnpike facilities the department may exercise such authorizations ~~as are~~ granted to the department by the provisions of other statute law applicable to the state highway system, except as they may be inconsistent with the provisions included herein.

~~5-~~(E)(1) The ~~Department~~department may contract with any person, partnership, association or corporation desiring the use of any part of the turnpike facility, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a sufficient number of the aforementioned facilities shall be authorized to be established in each service area along any such turnpike project to permit reasonable competition by private business in the public interest. Revenues from these contracts would be included in turnpike facility revenues.

(2) The department may contract with any political subdivision desiring to assist the department, whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning, financing, improving, constructing, maintaining, and regulating turnpike facilities as may be set forth in a short-term or long-term intergovernmental agreement between the department and the political subdivision. Revenues from these contracts may be pledged for the term thereof and may be included in turnpike facility revenues should the contract so provide. The right to receive any payments under such an

intergovernmental agreement may be maintained by the department or assigned to the trustee for the turnpike revenue bonds, as may be provided or authorized in the bond resolution. The authority to enter into such an intergovernmental agreement is concurrent and supplementary to those general powers granted political subdivisions and the department in the South Carolina Code of Laws, including, without limitation, Title 57.

Section 57-5-1335. ~~The Department of Transportation~~ department, before constructing a bridge or replacing an existing bridge which ~~qualifies is or is anticipated to be designated~~ as a turnpike facility—as defined in Section 57-5-1320, shall conduct the feasibility study ~~required by referenced in~~ Section 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance Committees of the Senate and the Education and Public Works and Ways and Means Committees of the House of Representatives within fifteen days of the completion of the study.

Section 57-5-1340. In addition to the powers listed above, the South Carolina Department of Transportation may:

~~1.(1) Request~~ request the issuance of turnpike bonds for the purpose of paying all or any part of the cost of any one or more turnpike projects;

~~2.(2) Fix~~ fix and revise from time to time and charge and collect a program of tolls for transit over each designated turnpike facility; constructed by it; and each program may provide for dynamic tolling, scheduled tolling, variable tolling, uniform tolling, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned usage, and any other factors deemed appropriate by the department;

~~3.(3) Combine~~ combine, for the purposes of financing ~~the any~~ turnpike facilities, any two or more turnpike facilities;

~~4.(4) Control~~ control access to turnpike facilities;

~~5.(5) To~~ to the extent permitted by a bond resolution, expend turnpike facility ~~or facilities~~ revenues in advertising the turnpike facilities and services of the turnpike facility or facilities to the traveling public;

~~6.(6) Receive~~ receive and accept from any federal agency grants for or in the aid of the construction of any turnpike facility;

~~7.(7) Establish~~ establish a separate division to administer turnpike facilities and a separate turnpike facility account;

~~8.(8) Do~~ do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

Section 57-5-1350. Whenever it becomes necessary that monies be

raised for a turnpike facility, the ~~commission~~department may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. ~~The request may be in the form of resolution adopted at any regular or special meeting of the commission.~~ The request shall set forth on the face thereof or by schedule attached thereto:

- 1.~~(1)~~ the turnpike facility proposed to be constructed or designated;
- 2.~~(2)~~ the amount required for feasibility studies, planning, design, right-of-way acquisition, and construction of the turnpike facility;
- 3.~~(3)~~ a tentative time schedule setting forth the period of time for which the sum ~~request must requested~~ is expected to be expended;
- 4.~~(4)~~ a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;
- 5.~~(5)~~ any feasibility study obtained by the ~~commission~~department relating to the proposed turnpike facility;
- 6.~~(6)~~ the ~~commission's~~department's recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike facility revenues which would otherwise be derived by the proposed turnpike facility.

Section 57-5-1360. Following the receipt of a request pursuant to Section 57-5-1350, the State Fiscal Accountability Authority shall review the request and, to the extent that it approves the request, it may effect, by bond resolution duly adopted, the issuance of turnpike bonds, or pending their issuance, may effect the issuance of bond anticipation notes pursuant to Title 11, Chapter 17. ~~A resolution approving any proposed turnpike bonds may not be adopted unless before approval the state board conducts, after not less than ten days' published notice, a public hearing in the City of Columbia.~~

SECTION 39. Sections 57-5-1380 through 57-5-1460 of the S.C. Code are amended to read:

Section 57-5-1380. ~~(A)~~ For the payment of the principal of and interest on all turnpike bonds, there is irrevocably pledged ~~all turnpike revenues derived from the~~ turnpike facility revenues financed by the bonds to the extent and in the manner prescribed by the bond resolution. Any interest earned on turnpike facility account balances must be credited to the turnpike facility account as prescribed in the bond resolution.

(B) The turnpike bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the turnpike facility revenues. The turnpike bonds issued do not

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constitute an indebtedness of the State, State Fiscal Accountability Authority, or department within the meaning of any state constitutional provision or statutory limitation, except indebtedness payable solely from a revenue producing source or from a special source that does not include revenues from any tax within the meaning of Paragraph (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit, and taxing powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the turnpike bonds and this fact must be plainly stated on the face of each turnpike bond. The State Fiscal Accountability Authority and the department each lack taxing power.

Section 57-5-1390. Turnpike bonds shall bear interest, payable on occasions prescribed by the State Fiscal Accountability Authority, at a rate not exceeding the maximum prescribed by ~~Section 11-9-350~~ the bond resolution. Each issue of turnpike bonds shall mature on the occasion prescribed by the State Fiscal Accountability Authority, not exceeding forty years from the date the bonds ~~bear~~ are issued. Turnpike bonds may, in the discretion of the State Fiscal Accountability Authority, be made subject to redemption at par and accrued interest, plus such redemption premium as it approves and on occasions and under conditions it prescribes. Turnpike bonds are not redeemable before maturity unless they contain a statement to that effect.

Section 57-5-1400. Turnpike bonds must be sold at private or public sale under conditions prescribed by the bond resolution ~~State Fiscal Accountability Authority~~. For the purpose of bringing about successful sales of the bonds, the State Fiscal Accountability Authority may do, or cause to be done, all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of the turnpike bonds must be paid from the proceeds of the sale of the bonds or turnpike facility revenues.

Section 57-5-1410. All turnpike bonds must be executed in the name of and on behalf of the State ~~of South Carolina~~ and must be signed by the Governor and the State Treasurer. The Great Seal of the State must be affixed to, impressed, or reproduced upon each of them and they must be attested by the Secretary of State. If approved by the State Fiscal Accountability Authority, ~~any one or two~~ of the officers may, in lieu of manually signing, employ the use of the facsimile of their signatures in executing any turnpike bonds.

Section 57-5-1420. The proceeds derived from the sale of turnpike bonds must be applied only to the purposes ~~for which bonds are issued~~ authorized by this article and provided in the bond resolution.

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Section 57-5-1430. Turnpike bonds must each be in the denomination of one thousand or five thousand dollars or some multiple thereof or such larger denominations as may be authorized by the State Fiscal Accountability Authority in the bond resolution.

~~Section 57-5-1440. Turnpike bonds issued pursuant to this article may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name on the books of the State Treasurer as to principal only, or as to both principal and interest, and the principal or both principal and interest, as the case may be, thus made payable to the registered holder, subject to conditions the State Fiscal Accountability Authority prescribes. Turnpike bonds so registered as to principal in the name of the holder may thereafter be registered as payable to bearer and made payable accordingly.~~

Turnpike bonds may ~~also~~ be issued as fully registered bonds with both principal and interest made payable only to the registered holder. The fully registered bonds are subject to transfer under conditions the State Fiscal Accountability Authority prescribes. ~~The fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.~~

Section 57-5-1450. (A) The State Fiscal Accountability Authority, by bond resolution duly adopted, may make provision for the issuance of turnpike bonds. In the bond resolution, the State Fiscal Accountability Authority may prescribe:

- (1) the amount, denomination, and numbering of turnpike bonds to be issued;
- (2) ~~the date as of which they must be issued~~ method or manner of dating the turnpike bonds;
- (3) the estimated maturity schedule for the retirement of the turnpike bonds and a pro forma table of anticipated principal and interest payments for such turnpike bonds;
- (4) the form or forms of the turnpike bonds of the particular issue;
- (5) the redemption provisions or manner of determining the same, if any, applicable to the bonds;
- (6) the maximum rate or rates of interest the turnpike bonds shall bear;
- (7) the specific purposes for which the turnpike bonds must be issued;
- (8) the purposes for which the proceeds of the turnpike bonds must be expended, in the discretion of the State Fiscal Accountability Authority, a portion of the proceeds may be used as capitalized interest

during the period of construction and initial operation and for the creation of appropriate debt service reserves and other funds and accounts as the State Fiscal Accountability Authority deems necessary or expedient from the turnpike bonds and the proper operation and functioning of the turnpike facilities;

~~— (9) the method and conditions by which turnpike revenues from the turnpike facility so financed must be collected and utilized;~~

~~(10)(9) the extent to which and the conditions under which additional parity turnpike bonds may be issued;~~

~~(11)(10) any covenant considered necessary protecting the turnpike facility so financed from possible future competition from other highways or comparable facilities;~~

~~(12)(11) the authorized method or methods by which the turnpike bonds must be sold and such other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the turnpike bonds-;~~

(12) the conditions under which refunding turnpike bonds may be issued.

~~— (B) Except as otherwise provided in this article, all expenses incurred in carrying out the provisions of this article are payable solely from funds provided under the authority of this article or from any funds provided by the federal government or from other special sources and no liability or obligation may be incurred by the department beyond the extent to which money has been provided under the provisions of this article.~~

~~(C)(B) The bond resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of turnpike facility revenues made by the ~~commission~~department and approved by the State Fiscal Accountability Authority indicates that collection from turnpike facility revenues for applicable fiscal years is expected to be not less than that required for annual debt service requirements of the requested turnpike bonds. In making such finding, the department and the authority may rely in whole or in part on the work product of third-party professionals engaged to provide financial, feasibility, or practicability studies related to the turnpike facilities or the financing thereof through turnpike bonds.~~

(C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or modify in any way, the designation of turnpike facilities proposed pursuant to Section 57-5-1350.

(D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the combining of any turnpike facilities then

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existing or proposed pursuant to Section 57-5-1350; provided, however, that prior to ratifying and approving such a combination from time to time the authority shall make a finding that it is in the best interest of the State after taking into account factors including, but not limited to, geographic connection, regional transportation planning, operational efficiencies, revenue stability, bonding capacity, and such other factors as it finds relevant.

Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to the satisfaction of the Governor and the State Treasurer that the estimated collection from the ~~sources of revenue~~ turnpike facility revenues in applicable future fiscal years are not less than that required for annual debt service requirements for the requested turnpike bonds, then the Governor and State Treasurer may effect the delivery of bonds in accordance with the bond resolution.

SECTION 40. Sections 57-5-1480 through 57-5-1495 of the S.C. Code are amended to read:

Section 57-5-1480. It is lawful for all executors, administrators, guardians, and other fiduciaries and all sinking fund commissions, including the ~~State Fiscal Accountability Authority~~ Retirement System Investment Commission and Public Employee Benefit Authority in their capacities as cotrustees of the funds of the South Carolina Retirement System and ~~as any~~ manager and administrator of ~~other~~ state sinking funds, to invest any monies in their hands in turnpike bonds.

Section 57-5-1490. Any person who uses any turnpike ~~project~~ facility and fails or refuses to pay ~~the any toll provided therefor~~ then due shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, and in addition thereto the ~~Department~~ department shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof.

Section 57-5-1495. (A) As used in this section:

(1) "Electronic toll collection system" means a system of collecting tolls or charges which is capable of charging an account holder or person the appropriate toll or charge by electronic means ~~transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the appropriate toll or charge.~~

(2) "Lessor" means any person, corporation, firm, partnership, agency, association, or organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein the said

lessee has the exclusive use of the vehicle for any period of time.

(3) "Lessee" means any person, corporation, firm, partnership, agency, association, or organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of the vehicles for any period of time.

(4) "Owner" means ~~a person or an entity who, at the time of a toll violation and with respect to the vehicle involved in the violation, is the registrant or co-registrant of the vehicle with the Department of Motor Vehicles of this State or another state, territory, district, province, nation, or jurisdiction, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.~~ other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of toll collection regulations.

(6) "Toll violation" means the passage of a vehicle through a toll collection point without payment of the required toll.

(7) ~~"Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks."~~ "Motor vehicle" or "vehicle" means every vehicle which is self-propelled.

(B) Notwithstanding another provision of law, when a vehicle is driven through a turnpike facility without payment of the required toll, the owner ~~and operator~~ of the vehicle is ~~jointly and severally liable~~ responsible to the Department of Transportation to pay the required toll, administrative fees, and civil penalty as provided in this section. The department or its authorized agent may enforce collection of the required toll as provided for in this section.

(C) A certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a toll violation has occurred, based upon inspection of photographs, microphotographs, videotape, or other recorded images, or other electronic means, produced by a photo-monitoring system, is prima facie evidence of the violation and is admissible in any proceeding charging a toll violation pursuant to this section. A photograph, microphotograph, videotape, or other recorded image evidencing a violation must be available for inspection by the party charged and is admissible into evidence in a proceeding to adjudicate liability for a violation.

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(D) The department or its authorized agent may assess and collect administrative fees of:

(1) not more than ten dollars for the first toll violation within a period of one year;

(2) not more than twenty-five dollars for each subsequent toll violation within a period of one year.

(E) Upon failure to pay the required toll and administrative fees to the department within thirty days of the notice, the owner or operator may be cited for failure to pay a toll pursuant to this subsection and, upon an adjudication of liability, is subject to a civil penalty not to exceed fifty dollars for each violation as contained in subsection (F). Upon an adjudication of liability, a judgment must be entered against the owner or operator, and the court must mail a copy of the judgment to the owner or operator unless the owner has opted into receiving electronic notifications based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. Upon failure to satisfy the judgment within thirty days, the court shall notify via electronic methods pursuant to Department of Motor Vehicles' standards, the Department of Motor Vehicles and the authorized agent, and the ~~department~~ Department of Motor Vehicles shall suspend the registration of the vehicle that was operated when the toll was not paid and deny the vehicle's registration or reregistration pursuant to Section 56-3-1335. The suspension shall remain in effect until the judgment is satisfied and evidence of its satisfaction has been electronically submitted ~~presented~~ to the Department of Motor Vehicles and the authorized agent, and the owner pays the applicable reinstatement fee pursuant to Section 56-3-1335. An owner or operator who has been convicted of a violation of Section 57-5-1490 is not liable for the penalty imposed by this subsection.

(F) If a magistrate or municipal judge determines that the person or entity charged with liability under this section is liable, the magistrate or municipal judge shall collect the unpaid tolls and administrative fee and forward them to the department or its authorized agent. The magistrate or municipal judge also may impose a civil penalty of up to fifty dollars for each violation, plus court costs and attorney's fees. The civil penalty must be distributed in the same manner as other fines and penalties collected by the magistrate. Notwithstanding another provision of law:

(1) adjudication of liability pursuant to this section must be made by the magistrate's court of the county in which the toll facility is located or the municipal court of the city in which the toll facility is located; and

(2) an imposition of liability pursuant to this section must be

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based upon a preponderance of evidence submitted and is not a conviction as an operator pursuant to Section 57-5-1490.

(G) The department or its authorized agent shall send:

(1) a "First Notice to Pay Toll" to the owner or operator of a vehicle which, on one occasion in any twelve-month period, is identified as having been involved in a toll violation. The first notice must require payment to the department of the required toll, plus an administrative fee as provided for in subsection (D), within thirty days of the mailing of the notice;

(2) a "Second Notice to Pay Toll" to the owner or operator of a vehicle which is identified as having been involved in a second toll violation in a twelve-month period, or who has failed to respond to a "First Notice to Pay Toll" within the required time period. The second notice must require payment to the department of the required tolls, plus an administrative fee as provided for in subsection (D) for each violation within thirty days of the mailing or sent date of the notice;

(3) a "Failure to Pay a Toll" citation to the owner or operator of a vehicle which is identified as having been involved in a third toll violation in a twelve-month period, or who has failed to respond to the second notice within the required time period. The citation requires payment to the department of the unpaid tolls, plus an administrative fee of not more than twenty-five dollars for each violation, within thirty days, or the recipient's appearance in magistrate's court of the county in which the violation occurred or the municipal court of the city in which the violation has occurred to contest the citation. A "Failure to Pay a Toll" citation constitutes the summons and complaint for an action to recover the toll and all applicable fees allowed pursuant to this section; and

(4) notwithstanding another provision of law, the notices and citation required by this subsection ~~(G)~~ by first-class mail to the owner or operator of the vehicle identified as being involved in the toll violation, unless the owner has opted into receiving electronic notification based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. If a vehicle is registered in two or more names, the notices or citation must be ~~mailed~~ sent to the first name listed on the registration records. Notwithstanding another provision of law, personal delivery of the notices and citation is not required. A manual or automatic record of the mailing or sending of the notices or citation prepared in the ordinary course of business is prima facie evidence of the mailing of the notices or citation;

(5) the notices and citation required by this subsection must

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contain the following information:

- (a) the name and address of the person or entity alleged to be liable for a failure to pay a toll pursuant to this section;
- (b) the registration number of the vehicle involved in the toll violation;
- (c) the location where the toll violation took place;
- (d) the date and time of the toll violation;
- (e) the identification number of the photo-monitoring system which recorded the violation or other document locator number;
- (f) information advising of the manner and time in which liability may be contested;
- (g) warning advising that failure to contest liability in the manner and time provided in this section is an admission of liability; and
- (h) information advising that failure to pay a toll may result in the suspension of vehicle registration.

(H) If a vehicle owner receives a notice or citation pursuant to this section for a period during which the vehicle involved in the toll violation was:

(1) reported to ~~a~~ any law enforcement ~~division~~ agency as having been stolen, a valid defense to an allegation of liability for a failure to pay a toll is that the vehicle had been reported to ~~a~~ any law enforcement ~~division~~ agency as stolen before the time the violation occurred and had not been recovered by the time of the violation. If an owner receives a notice or citation pursuant to this section for a violation which occurred during a time period in which the vehicle was stolen, but which had not been reported to ~~a~~ any law enforcement ~~division~~ agency as having been stolen, a valid defense to an allegation of liability for a toll violation pursuant to this section is that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subitem, a certified copy of the police report on the stolen vehicle, sent by first-class mail or submitted electronically to the department, its agent, the Department of Motor Vehicles or the magistrate's court or the municipal court having jurisdiction of the citation within thirty days after receipt of the notices or citation, is sufficient;

(2) leased to another person or entity, the lessor is not liable for the violation if the lessor sends to the department or to the court having jurisdiction over the citation a copy of the rental, lease, or another contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving the notices or citation. Failure to send the information within

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the thirty-day period renders the lessor liable for the unpaid tolls and any administrative fees or penalties assessed pursuant to this section. If the lessor complies with the provisions of this subitem, the lessee of the vehicle on the date of the violation is subject to liability for the failure to pay the toll if the department or its agent mails a notice of liability to the lessee within thirty days after receipt of a copy of the rental, lease, or other contract document.

(I) If a person or entity receives a notice or citation pursuant to this section, it is a valid defense to liability that the person or entity that receives the notice was not the owner of the vehicle at the time of the toll violation.

(J) If an owner who pays the required tolls, fees, or penalties, or all of them pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(K) An owner of a vehicle is not liable for a penalty imposed pursuant to this section if the operator of the vehicle has been convicted of a violation of Section 57-5-1490 for the same incident.

(L) On turnpike facilities where electronic toll collection systems are utilized:

(1) a person who wants to make payment of tolls electronically must apply to the department or its authorized agent to become an account holder. The department or its authorized agent, in its discretion, may deny the application of a person. A person whose application is accepted must execute an account holder's agreement. The terms of the account holder's agreement must be established by the department;

(2) the department shall ensure that adequate and timely notice is given to all electronic toll collection system account holders to inform them when their accounts are delinquent. The owner of a vehicle who is an account holder under the electronic toll collection system is not liable for a failure to pay a toll pursuant to the provisions of this section unless the department or its authorized agent has first sent a notice of delinquency to the account holder and the account holder was delinquent at the time of the violation;

(3) the department shall not sell, distribute, or make available the names and addresses of electronic toll collection system account holders, without the account holder's consent, to any entity that uses the information for commercial purposes. However, this restriction does not preclude the exchange of this information between entities with jurisdiction over or operating a toll highway bridge or tunnel;

(4) information or data collected by the department or its

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authorized agent for the purpose of establishing and monitoring electronic toll collection accounts is not subject to disclosure under the Freedom of Information Act;

(5) notwithstanding another provision of law, all information, data, photographs, microphotographs, videotape, or other recorded images prepared pursuant to this section must be for the exclusive use of the department or its authorized agent in the discharge of its duties under this section and must not be open to the public, subject to the disclosure under the Freedom of Information Act, nor used in a court in an action or a proceeding pending unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section.

(M) Notwithstanding any other provision of law, school buses transporting school children for a school event, shall be exempt from the payment of any tolls.

SECTION 41. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1710.(A) As used in this section, “phased design-build” means a project delivery method that uses a stepped or progressive qualifications-based selection process, followed by a progression to a contract price. The department must select the phased design-build contractor exclusively on qualifications and technical approach, without consideration of schedule or costs, which must deliver the project in multiple phases.

(1) The phased design-build contractor is initially under contract for preconstruction activities including, but not limited to, project validation, designing and developing plans, performing constructability reviews, and developing construction schedules and pricing.

(2) The department and the phased design-build contractor shall establish a guaranteed maximum construction cost. The guaranteed maximum construction cost is the total dollar amount within which the phased design-build contractors shall complete the final design and construction of the project including the contractor’s direct costs, overhead, and profit, plus any authorized contingency. Upon agreement of the guaranteed maximum construction cost, the department and the phased design-build contractor will execute a second contract or an amendment to the initial contract for completion of the final designs and construction of the project consistent with subsection (C). Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(3) If the department and phased design build contractor cannot

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reach agreement on a guaranteed maximum construction cost, then the department shall take ownership and assume liability of the design work product. Nothing shall prohibit the department from pursuing the project under any other legally allowed method.

(B) The department may only award a contract under this section if the department:

(1) determines that it is in the public's interest to use the phased design-build project delivery method; and

(2) prequalifies the prime contractor and lead designer firm that will be awarded the contract.

(C) The method for the department to award a contract using phased design-build procedures shall be:

(1) Prior to the initiating a phased design build procurement under this section, the department shall submit a report to the Joint Bond Review Committee on the nature and scope of the project and the reasons the phased design-build procurement project delivery method will best serve the public interest. The department shall not initiate a procurement until the Joint Bond Review Committee has provided its review and comment.

(2) Upon completion of a project awarded under subsection (B), the department shall submit a post-completion report to the Joint Bond Review Committee detailing the project results, including any cost and time efficiencies achieved using the phased design-build project delivery method. This report must include a cost analysis comparing the use of phased design-build for awarding contracts with the award of contracts under the existing procedure.

(D) The department may promulgate regulations to implement the phased design-build method.

Section 57-5-1720. (A) The department may award highway construction contracts using a construction manager/general contractor (CM/GC) procedure. Under a CM/GC contract, the department shall perform preconstruction services via department personnel or via contract. A CM/GC contractor is responsible for providing advisory preconstruction services of the department's design including, but not limited to, constructability review, scheduling, pricing, and phasing. The CM/GC contractor shall be able to perform construction should the department and the contractor agree to a guaranteed maximum price.

(B) Should a guaranteed maximum price agreement be reached, construction services shall commence under a subsequent contract instrument. The contract instrument may be in the form of a CM/GC contract, a franchise agreement, or any other form of contract approved

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by the department. Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(C) Selection criteria shall include the contractor's cost for preconstruction services associated with the project, contractor qualifications, experience, past performance, best value, or any combination of the aforementioned criteria, or any other combination of selection criteria considered appropriate by the department.

(D) The department may promulgate regulations to implement the CM/GC project delivery method.

SECTION 42. Sections 56-5-4210 through 56-5-4220 of the S.C. Code are amended to read:

Section 56-5-4210. (A) Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer, or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

(B) The imposition of any restrictions pursuant to subsection (A) must first be approved by the Department of Transportation on any highways transferred to local authorities after July 2026.

Section 56-5-4220. No limitation shall be established by any county, municipal, or other local authority pursuant to the provisions of

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Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder ~~over~~ along public state highways, including officially established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal, or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts that have failed to meet the National Bridge Inspection Standards as administered by the Department of Transportation upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.

SECTION 43. Section 11-35-710 of the S.C. Code is amended to read:

Section 11-35-710. (A) The board, upon the recommendation of the chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer's area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

(1) ~~the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency-type parts or equipment utilized by the Department of Transportation or the Department of Public Safety~~ the acquisition by the Department of Transportation of: transportation planning; the construction, maintenance, design, financing, operation, and repair of bridges, highways, roads, and other improvements within the state rights of way; technology related to operations within the state rights of way; and vehicle and road equipment maintenance and repair and other emergency-type parts and equipment;

(2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;

(3) South Carolina State Ports Authority;

(4) Division of Public Railways of the Department of Commerce;

(5) South Carolina Public Service Authority;

(6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and

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bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;

(7) livestock, feed, and veterinary supplies;

(8) articles for commercial sale by all governmental bodies;

(9) fresh fruits, vegetables, meats, fish, milk, and eggs;

(10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;

(11) published books, periodicals, and technical pamphlets;

(12) South Carolina Research Authority;

(13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;

(14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;

(15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4).

(16) the acquisition by the Department of Public Safety of vehicle and road equipment maintenance and repair and other emergency-type parts and equipment.

(B) The State Fiscal Accountability Authority shall maintain and post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A);

SECTION 44. Section 12-28-2740 of the S.C. Code is amended to read:

Section 12-28-2740. (A) The proceeds from ~~two and sixty-six~~ three and ninety-nine one-hundredths cents a gallon of the user fee on

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gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one-third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one-third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one-third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. The Department of Revenue shall collect the information required pursuant to Section 12-28-1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection ~~(H)~~(I). The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

~~(B)~~ All interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties under this section in proportion to each county's portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own "C" funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own "C" funds.

~~(B)(C)(1)~~ The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee.

(2) The county legislative delegation shall appoint the county transportation committee, and shall ensure that the committee includes fair representation from municipalities and unincorporated areas of the county. All members of the county transportation committee must be residents of the county. The Department of Transportation shall publish a register on its website of members of the respective county transportation committees. The county transportation committee shall publish on the county website the members of the county transportation

committee.

(3) The countywide transportation plan shall list the criteria by which projects shall be selected by the county transportation committee. The criteria shall include, but not be limited to, the condition of state and local highway roads and bridges, safety, efficient traffic operations, and economic development. The plan shall be updated at least every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. The county transportation committee shall publish on the county website the countywide transportation plan.

(4) County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. The regional transportation plan shall be updated every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee.

(5) A county transportation committee may expend from the funds allocated under this section an amount not to exceed ~~twoten~~ thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

(6) A county transportation committee shall comply with notice requirements under Section 30-4-80(a). The agenda shall include the proposed actions of the county transportation committee and include the requested amount of "C" funds to be allocated.

(7) A county transportation committee shall comply with the minutes requirements Section 30-4-90. The minutes shall include the final amount of "C" funds allocated to each recipient.

(8) A county transportation committee shall meet at least twice annually.

(C)(D) At least ~~twenty-five~~ thirty-three percent of a county's apportionment of "C" funds, based on a biennial averaging of expenditures, must be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of

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Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to ~~seventy-five~~ sixty-seven percent of “C” construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

~~(D)~~(E) The funds allocated to the county also may be used to issue county bonds or state highway bonds as provided in subsection ~~(J)~~(K), pay directly for appropriate highway projects, including engineering, contracting, and project supervision, and match federal funds available for appropriate projects. Beginning July 1, 2002, for any new “C” fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county’s total apportionment for the most recent year. Expenditures must be documented on a per-project basis upon the completion of each project in reports to the respective county transportation committees. This documentation must be provided by the agency or local government actually expending the funds and it shall include a description of the completed project and a general accounting of all expenditures made in connection with the project summaries of these reports then must be forwarded by each county transportation committee to the department using guidelines established by the department and the department shall compile these reports into an annual statewide report to be submitted to the General Assembly by the second Tuesday of January of each year. The documentation and reporting requirements of this subsection apply only to counties administering their own “C” funds. For purposes of this section, “uncommitted funds” means funds held in the county’s “C” fund account that have not been designated for specific projects.

~~(E)~~(F) All unexpended “C” funds allocated to a county remain in the account allocated to the county for the succeeding fiscal year and must be expended as provided in this section.

~~(F)~~(G) The countywide and regional transportation plans provided for in this section must be reviewed and approved by the Department of Transportation. Before the expenditure of funds by a county transportation committee, the committee shall adopt specifications for local road projects. In counties electing to expend their allocation directly pursuant to subsection (A), specifications of roads built with “C”

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funds are to be established by the countywide or regional transportation committee. In counties in which the county transportation committee elects to have “C” funds administered by the Department of Transportation, primary and secondary roads built using “C” funds must meet Department of Transportation specifications.

~~(G)~~(H) This section must not be construed as affecting the plans and implementation of plans for a Statewide Surface Transportation System as developed by the Department of Transportation.

~~(H)~~(I)(1) For purposes of this subsection, “donor county” means a county that contributes to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer to the donor counties an amount equal to seventeen million dollars in the ratio of the individual donor county’s contribution in excess of “C” fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties.

(2) A county is eligible for an additional allocation from the Department of Transportation if the county contributed to the “C” fund an amount in excess of what it receives under the allocation formula as stated in subsection (A) plus what it receives under item (1). The Department of Transportation annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the ratio of the individual eligible county’s contribution to the “C” fund in excess of the eligible county’s total allocations under subsection (A) and item (1) to the total excess contributions of all eligible counties remaining after all allocations under subsection (A) and item (1) have been made. Under no circumstances can an allocation under this item result in an eligible county receiving total allocations in excess of what the county contributed to the “C” fund.

~~(I)~~(J)(1) In expending funds pursuant to this section, counties that administer their own “C” funds shall use a procurement system that requires competitive sealed bids, no bid preferences not required by state or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred thousand dollars must be accompanied by certified bid bonds, and all work awarded under the contracts must be covered by performance and payment bonds for one hundred percent of the contract value. Bid summaries must be published in a newspaper of general distribution following each award.

(2) The requirement of a bond for bid security or a bond for payment and performance may not include the requirement that the

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surety bond be furnished by a particular surety company or through a particular agent or broker.

~~(J)(K)~~ State highway bonds may be issued for the completion of projects for which “C” funds may be expended for projects as determined by the county transportation committee. ~~The applicable source for payment of principal and interest on the bonds is the share of “C” fund revenues available for use by the county transportation committee.~~ The application for the bonds must be filed by the county transportation committee with ~~the Commission of the~~ Department of Transportation and the State Treasurer, which shall forward the application to the State Fiscal Accountability Authority. The Department of Transportation shall review the request and ensure it includes the information and schedules contemplated by Section 57-11-220 and that estimated principal and interest on the proposed bonds may be met from such county’s “C” funds, and if it, through the Secretary of Transportation, finds that such request, as submitted or as supplemented by the department, includes the required information, demonstrates that available “C” funds will satisfy estimated principal and interest on the proposed bonds, and does not unreasonably impact the published plans of the Department of Transportation, then it shall submit such request for state highway bonds to the State Fiscal Accountability Authority. The State Fiscal Accountability Authority shall consider the ~~application request~~ in the same manner that it considers state highway bonds, mutatis mutandis. The county transportation committee shall allocate and apply from its share of "C" fund revenues available for use by the county transportation committee the amount of principal and interest on the state highway bonds. The department shall provide notice of the debt service requirements of such state highway bonds upon the issuance thereof to the county transportation committee.

~~(K)(L)~~ Members of the committee are insulated from all personal liability arising out of matters related directly to and within the scope of the performance of official duties and functions conferred upon the committee pursuant to this section.

—(L) In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

—(M) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996. In addition to the members and appointment procedures of the Dorchester County Transportation Committee as provided by this section and subsection, two additional members of the county transportation committee must be appointed from that portion of the Town of Summerville in Dorchester

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~~County and that portion of the City of North Charleston in Dorchester County. These members must be residents of the designated municipalities and of the county, and notwithstanding another provision of this subsection, must be appointed by the governing body of the respective municipality.~~

~~—(N) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996 and Section 2, Act 141 of 2001.~~

~~(O)(M) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution abolish the county transportation committee and devolve its powers and duties to appoint the members of the committee to on the governing body of the county. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding.~~

~~(P)(N) The Department of Transportation shall perform reviews to ensure compliance with subsections (C)(3), (C)(4), (C)(5), (C)(6), (C)(7), (C)(8), (C)(D), (D)(E), (F)(G), and (H)(J). A county failing to comply with these subsections must have all subsequent “C” fund allocations withheld until the requirements of those subsections are met. If a county fails to comply with those subsections within twenty-four months, then the county forfeits fifty percent of its allocations for the following year and the forfeited amount must be divided among the other counties as provided in subsection (A).~~

~~(Q)(O) A county subject to a proposed withholding or forfeiture of “C” fund allocations pursuant to this section must be notified in writing of the department’s decision. The county, within sixty days of receipt of notice of the decision, may request a review of the decision by a panel consisting of the state highway engineer or his designee, the chairman of the affected county’s transportation committee or his designee, and a third person named by mutual agreement between the state highway engineer and the county transportation committee chairman. The panel shall meet and render a decision within ninety days of the request by the county transportation committee. The decision of the panel may be appealed by requesting a contested case hearing before the Administrative Law Court pursuant to Section 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must be made within thirty days of receipt of the panel’s decision.~~

~~(R)(P) The legislative delegation of the county, by resolution, may~~

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rename the county transportation committee established by this section as the (insert name of county) Legislative Delegation transportation committee. Upon the adoption of such a resolution, all references in this section and any other provisions of law to the county transportation committee, for purposes of that county, are deemed references to that county's legislative delegation transportation committee.

~~—(S) Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this chapter that must be deposited with the State Treasurer and expended for the purposes of this section must be increased by .3325 cents a gallon, until such time as the total amount equals three and ninety nine one hundredths cents a gallon. Any increase in proceeds resulting from the provisions of this subsection must be used exclusively for repairs, maintenance, and improvements to the state highway system.~~

(Q) It is unlawful for a member of a county transportation committee, an engineer, agent, or other employee, acting for or on behalf of a committee, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

— (1) money;

— (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

— (3) political appointment or influence, present, or reward;

— (4) employment; or

— (5) other thing of value.

A person violating the provisions of subsection is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(R) Any official or employee of a county transportation committee is subject to the provisions of Chapter 13, Title 8, the State Ethics Act.

SECTION 45. Section 12-28-2920 of the S.C. Code is amended to read:

Section 12-28-2920. The department shall review projects for the possibility of constructing toll roads to defray the cost of these projects pursuant to the authority granted the department in ~~Section 57-5-1330~~ Article 9, Chapter 5, Title 57, as well as Section 57-3-205. No project

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may be funded in whole or in part by means of imposing a toll on the users of the project ~~unless in conjunction with federal funds authorized for use on toll roads~~ it is determined to be substantially feasible by the department, taking into account all funding sources. The funds derived from tolls must be:

(1) credited to the State Highway Fund;~~or;~~

~~(2)~~ (2) retained and applied by the entity or entities developing the toll road pursuant to an agreement authorized under Section 57-3-200 or 57-3-205 for the purpose of funding the cost of construction, financing, operation, and maintenance of the toll project;~~or~~

~~(2)~~ (3) used to service bonded indebtedness for highway transportation purposes incurred pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution; or

(4) used to pay for the operation and maintenance costs of the toll project.

~~— Upon repayment of the cost of construction and financing, toll charges shall cease.~~

SECTION 46. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1800. (A) There is established within the Department of Transportation the Pothole Mitigation Program for the purposes of public reporting of pothole locations along the state highway system. The department must implement the program in each county.

(B) The Pothole Mitigation Program must provide means for the public to report the location of potholes to the department via telephone, the internet, a website application, or other electronic means as determined by the department. Within one year of adoption of this act, the department shall make available on the commercial mobile application stores a free application that allows the public to report the location of a pothole. The department must post notices in conspicuous locations including the department website, the State Highway Map, rest areas, and other facilities that provide information about the means for the public to report potholes.

(C) The department must ensure that, within seven days of receiving notice of the location of a pothole, the pothole is repaired. Each pothole repair must be a permanent repair unless weather conditions, emergency events, supplier availability, or other exigent circumstance requires a temporary repair until a permanent repair can be made. The department may use its own personnel or may contract with outside parties for pothole repair pursuant to the Pothole Mitigation Program.

(D) From the Infrastructure Maintenance Trust Fund, the

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department shall annually allocate fifteen million dollars for full depth pavement repairs of repetitive potholes as identified in subsection (B). These funds shall be in addition to existing funds allocated for pavement rehabilitation.

SECTION 47. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving the state's transportation system as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 48. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 49. (A)(1) The amendments made to the following S.C. Code Sections, as contained in this act, take effect January 1, 2027: Sections 57-1-410, 1-30-10, 1-30-105, 11-43-150, 57-1-10, 57-1-40, 57-1-430, 57-1-500, 57-3-50, 57-1-90, 57-3-210, 57-3-700, 57-5-10, 57-5-50, 57-5-90, 57-5-310, 57-5-340, 57-13-10, 57-13-20, 57-13-40, 57-13-50, 57-25-120, 57-25-140, 57-25-150, 57-25-170, 57-25-200, 57-25-210, 57-1-360, 57-1-370, and 57-5-1800.

(2) The uncodified provisions relating to the currently serving, Secretary of the Department of Transportation, the abolition of the Commission of the Department of Transportation, and the repeal of certain statutes, as contained in SECTIONS 2, 4, and 29, take effect January 1, 2027.

(B) The amendments made to the following S.C. Code Sections or additions thereto, as contained in this act, take effect on July 1, 2026: Section 11-43-140, 57-3-205, 57-5-1480, 57-5-1710, 57-5-1720, and 11-35-710.

(C) Except where specified otherwise, this act takes effect July 1,

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2027. County Legislative delegations have ninety days from the effective date of this act to comply with the provisions of Section 12-28-2740(C)(2).

Renumber sections to conform.  
Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. BANNISTER spoke in favor of the amendment.

**LEAVE OF ABSENCE**

ACTING SPEAKER HIOTT granted Rep. MOSS a temporary leave of absence.

Rep. BANNISTER continued speaking.  
Rep. BREWER spoke in favor of the amendment.  
Rep. BREWER spoke in favor of the amendment.  
Rep. WHITE spoke against the amendment.  
Rep. WHITE spoke against the amendment.

**SPEAKER IN CHAIR**

Rep. WHITE continued speaking.  
Rep. ROBBINS spoke in favor of the amendment.  
Rep. ROBBINS spoke in favor of the amendment.  
Rep. LANDING spoke in favor of the amendment.  
Rep. LANDING spoke in favor of the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 4 to S. 831 (LC-831.DG0005H), which was tabled:

Amend the bill, as and if amended, Section 57-5-1710, by adding an appropriately numbered subsection to read:

( ) In any procurement utilizing a “best value” determination, cost shall constitute no less than thirty-five percent of the total evaluation criteria and must be the single highest weighted factor.

Renumber sections to conform.  
Amend title to conform.

Rep. WHITE explained the amendment.

Rep. WHITE moved to table the amendment, which was agreed to.

Reps. CASKEY and BANNISTER proposed the following Amendment No. 57 to S. 831 (LC-831.DG0031H), which was adopted:

Amend the bill, as and if amended, SECTION 32, by striking Section 57-3-205(B) and (C) and inserting:

(B) Public-private partnership arrangements may take the form of design-build agreements, design-build-operate agreements, design-build-operate-maintain agreements, design-build-finance-operate-maintain agreements, franchise agreements, pre-development agreements, ~~tolling-usage charge~~ services agreements, direct agreements, guarantees, concession agreements, lease agreements, availability payments agreements, performance-based payments agreements, or any other form of contract approved by the department, or other similar arrangements or agreements pursuant to which the design, right-of-way acquisition, relocation of structures or utilities, construction, financing, management, maintenance, and operation, or any combination thereof, of a public highway, road, streets, buildings and facilities owned by the department, broadband technology, bridge, public transit project and work, improvements or facilities incidental or related thereto is accomplished by the department or on behalf of the department by any public or private entities or methods. Additionally, such agreements may:

(1) be short-term or long-term agreements, but not exceed sixty years;

(2) authorize the establishment, adjustment, indexation, and enforcement of fares, ~~tolls~~usage charges, or other user fees, including time-of-day or dynamic pricing, consistent with policies adopted by the department, which may allow enforcement through photo monitoring, cashless ~~tolling, toll by mail, and toll by license~~charges, charge-by-mail, and charge-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a ~~turnpike~~choice lane facility designated under Article 9, Chapter 5, Title 57;

(3) specify a revenue application waterfall, reserves, rate covenants, and collection and enforcement measures; and

(4) be structured on a revenue-risk, availability-payment, or hybrid basis, including ~~shadow tolls or~~ usage-based performance components.

(C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize funding to be established, set, modified,

adjusted, and retained by the private entity, may include fares, ~~tolls~~ usage charges, or other user fees for use of the project that is the subject of the arrangement, and the department may provide enforcement and collection services for the benefit of a public-private partnership arrangement. The funding may be distributed among the participants in the project as may be provided for by contract. Multiyear payment obligations may be appropriation backed availability payments or milestone payments and may include standard non-appropriation clauses and termination-for-non-appropriation remedies with predefined compensation formulas.

Amend the bill further, SECTION 33, by striking Section 57-3-615(A), (B), and (C) and inserting:

(A) No toll or usage charge may be imposed on the passage of any vehicle on any publicly owned or controlled road, bridge, highway, or interstate in this State except as provided by this section. Any toll or usage charge imposition must be allowed by or not contrary to federal law. Tolls or usage charges may be imposed on a publicly owned or controlled road, bridge, highway, or interstate under any of the following circumstances:

(1) the toll or usage charge imposition is specifically authorized by the General Assembly;

(2) the toll imposition is on ~~a turnpike facility~~ managed or choice lane facilities designated as a choice lane facility under Article 9, Chapter 5, Title 57; or

(3) the ~~toll~~ usage charge imposition is reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority in connection with an agreement under Section 57-3-200 or 57-3-205 for managed or choice lane facilities prior to the solicitation of proposals for the agreement. The manner and method of ~~toll~~ usage charge imposition and rate setting are not required to be reviewed or approved, but must be set forth in the agreement, as may be amended from time to time.

(B) ~~Tolls-Usage charges~~ imposed under subsection (A)(2) or (3) of this section may only be imposed on managed or choice lane facilities that increase the capacity of the applicable road, bridge, highway, or interstate. Managed or choice lane facilities are those facilities that are actively managed to achieve more effective and efficient use of a road, bridge, highway, or interstate using various strategies including but not limited to pricing, vehicle eligibility, and access control; the managed or choice lane facilities shall be in addition to and not in place of existing lanes. Usage charges are charges imposed for the use of, or right to use,

managed or choice lane facilities.

(C) ~~Tolls~~ Usage charges may continue to be imposed on the passage of vehicles on any publicly owned or controlled road, bridge, highway, or interstate in this State on which tolls or usage charges were imposed as of January 1, 2026.

Amend the bill further, SECTION 35, Section 57-3-800, by striking the first undesignated paragraph and inserting:

The Department of Transportation may enter into reciprocal agreements with other jurisdictions including the federal government and any state, or agencies or departments thereof, to enforce toll or usage charge violations. The agreement shall provide that, when another jurisdiction certifies that the owner of a vehicle registered in this State has failed to pay a toll or usage charge, processing fee, or civil penalty due to that jurisdiction, the unpaid toll or usage charge, processing fee, or civil penalty may be enforced by placing a registration suspension as if the owner of the motor vehicle has an outstanding judgment for failure to pay a toll or usage charge under Section 56-3-1335, upon electronic notification by the Department of Transportation to the Department of Motor Vehicles. The agreement shall only be enforceable to the extent that:

Amend the bill further, SECTION 35, by striking Section 57-3-800(1), (2), (3), and (4) and inserting:

(1) the other jurisdiction has its own reciprocal procedure for toll or usage charge violation enforcement and does, in fact, reciprocate in enforcing toll or usage charge violations within this State by withholding the registration renewal of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State;

(2) drivers and vehicles licensed or registered in this State, while operating on the highways and bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind with regard to toll or usage charge enforcement as are extended to the drivers and vehicles licensed or registered in the other jurisdiction while they are operating on the highways and bridges of this State;

(3) the owner of a vehicle registered in this State may present evidence to the other toll or usage charge agency or jurisdiction by mail or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation allegedly occurred;

(4) the reciprocal violation enforcement arrangement between the

department and the other toll or usage charge agency provides that each party shall charge the other for costs associated with registration holds, or the like, in their respective jurisdictions.

Amend the bill further, SECTION 36, by striking Section 57-5-1345(A) and (B) and inserting:

(A) In order to administer, collect, and enforce any toll or usage charge, toll or usage charge violation, processing fee, civil penalty, or registration-based enforcement mechanism authorized by this title, the Department of Transportation shall coordinate with the Department of Motor Vehicles to ensure access to current motor vehicle and owner registration data.

(B) The Department of Transportation shall, at a minimum, receive updated ~~toll-related~~toll and usage charge related vehicle data from the Department of Motor Vehicles monthly. The data shall include, but is not limited to, vehicle identifiers, registration status indicators, and any information necessary to support toll or usage charge billing, notice, enforcement actions, or registration renewal blocks authorized by law.

Amend the bill further, SECTION 36, by striking Section 57-5-1345(C)(3) and inserting:

(3) limitations on use of the data solely for toll or usage charge administration and enforcement purposes; and

Amend the bill further, SECTION 36, by striking Section 57-5-1345(D) and inserting:

(D) No toll or usage charge enforcement action that relies upon registration suspension, renewal block, or similar Department of Motor Vehicles action may be initiated unless the vehicle data relied upon has been updated in accordance with this section.

Amend the bill further, SECTION 38, by striking Section 57-5-1320(2) and (3) and inserting:

(2) “~~Turnpike~~Choice lane facility” means any express highway or limited access highway ~~constructed~~ or any specified lanes or portion thereof, designated and ratified or approved as such under the provisions of this article ~~by the department~~, whether or not financed with turnpike bonds, including any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, ~~toll-access~~ house, service station and administration and storage and other buildings and facilities which the department considers necessary or desirable. A ~~turnpike~~choice lane facility constitutes a portion or extension of any existing or proposed highway in the state highway system;

(3) “~~Bonds~~or turnpike bonds” means revenue bonds of the State authorized under the provisions of this article and Paragraph (9), Section

13, Article X of the South Carolina Constitution;

Amend the bill further, SECTION 38, by striking Section 57-5-1320(5) and inserting:

(5) “~~Turnpike-Choice lane~~ facility revenues” means all revenues resulting from ~~tolls-usage charges~~ or other charges derived from the operation of a ~~turnpike-choice lane~~ facility, including revenues derived from concession leases or other concessionaire operated facilities, and, to the extent designated by the bond resolution, such nontax revenues or other legally available funds as are or may be made available to the department from whatever source for the purpose of operating, financing, enforcing, and maintaining, or any combination thereof, ~~turnpike-choice lane~~ facilities;

Amend the bill further, SECTION 38, by striking Section 57-5-1330(A), (B), (C), and (D) and inserting:

(A) The department may designate, establish, plan, improve, construct, maintain, operate, and regulate ~~turnpike-choice lane~~ facilities as a part of the state highway system or any federal aid system whenever the department determines the traffic conditions, present or future, justify the facilities, except that the department may not designate as a ~~turnpike-choice lane~~ facility any highway, road, bridge, or other transportation facility funded in whole or in part by a ~~then imposed~~ local option sales and use tax ~~as provided in imposed pursuant to~~ Chapter 37 of Title 4, unless by ~~agreements~~agreement with the applicable county government. The department may utilize ~~turnpike-choice lane~~ facilities revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any ~~turnpike-choice lane~~ facility ~~financed pursuant to this article.~~ The authority to designate ~~turnpike-choice lane~~ facilities under this section shall at all times be subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified or approved by the State Fiscal Accountability Authority.

~~2.(B) In every highway construction project, except federal and state secondary projects, rehabilitation and widening of federal and state primary and secondary road and bridge projects and highway safety projects, the Department shall consider making all or part of the highway construction a turnpike facility and financing it by the use of turnpike bonds. It shall make an entry in the construction project file indicating whether or not it determines making all or part of the project a turnpike facility. If the department determines it is feasible to make all or part of the any construction project a ~~turnpike-choice lane~~ facility, then it may engage in the preliminary estimates and studies incident to the~~

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determination of the feasibility or practicability of constructing any ~~toll road~~ choice lane facility as it from time to time considers necessary and the cost of the preliminary estimates and studies must be paid from the general highway fund and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a ~~toll road~~ choice lane facility.

~~3.~~(C) The department may acquire such lands and property including rights of access as may be needed for ~~turnpike~~ choice lane facilities by gift, devise, purchase, or condemnation by easement or in fee simple in the same manner as now or hereafter authorized by law for acquiring property or property rights in connection with other state highways.

~~4.~~(D) In designating, establishing, planning, abandoning, improving, constructing, maintaining and regulating ~~turnpike~~ choice lane facilities the department may exercise ~~such~~ authorizations ~~as are~~ granted to the department by the provisions of other statute law applicable to the state highway system, except as they may be inconsistent with the provisions included herein.

Amend the bill further, SECTION 38, by striking Section 57-5-1330(E)(1) and (2) and inserting:

~~5.~~(E)(1) The ~~Department~~ department may contract with any person, partnership, association or corporation desiring the use of any part of the ~~turnpike~~ choice lane facility, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a sufficient number of the aforementioned facilities shall be authorized to be established in each service area along any such ~~turnpike~~ choice lane project to permit reasonable competition by private business in the public interest. Revenues from these contracts would be included in ~~turnpike~~ choice lane facility revenues.

(2) The department may contract with any political subdivision desiring to assist the department, whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning, financing, improving, constructing, maintaining, and regulating ~~turnpike~~ choice lane facilities as may be set forth in a short-term or long-term intergovernmental agreement between the department and the political subdivision. Revenues from these contracts may be pledged for the term thereof and may be included in ~~turnpike~~ choice lane facility revenues should the contract so provide. The right to receive any payments under

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such an intergovernmental agreement may be maintained by the department or assigned to the trustee for the ~~turnpike-revenue~~ bonds, as may be provided or authorized in the bond resolution. The authority to enter into such an intergovernmental agreement is concurrent and supplementary to those general powers granted political subdivisions and the department in the South Carolina Code of Laws, including, without limitation, Title 57.

Amend the bill further, SECTION 38, by striking Section 57-5-1335 and inserting:

Section 57-5-1335. ~~The Department of Transportation~~ department, before constructing a bridge or replacing an existing bridge which ~~qualifies~~ is or is anticipated to be designated as a ~~turnpike-choice lane~~ facility ~~as defined in Section 57-5-1320~~, shall conduct the feasibility study ~~required by referenced in~~ Section 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance Committees of the Senate and the Education and Public Works and Ways and Means Committees of the House of Representatives within fifteen days of the completion of the study.

Amend the bill further, SECTION 38, by striking Section 57-5-1340(1), (2), (3), (4), (5), (6), and (7) and inserting:

~~1-(1) Request~~ request the issuance of ~~turnpike~~ bonds for the purpose of paying all or any part of the cost of any one or more ~~turnpike-choice lane~~ lane projects;

~~2-(2) Fix~~ fix and revise from time to time and charge and collect a program of ~~tolls~~ usage charges for transit over each designated turnpike choice lane facility; ~~constructed by it~~; and each program may provide for dynamic tolling charges, scheduled tolling charges, variable tolling charges, uniform tolling charges, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned usage, and any other factors deemed appropriate by the department;

~~3-(3) Combine~~ combine, for the purposes of financing ~~the any~~ ~~turnpike-choice lane~~ facilities, any two or more ~~turnpike-choice lane~~ facilities;

~~4-(4) Control~~ control access to ~~turnpike-choice lane~~ facilities;

~~5-(5) To~~ to the extent permitted by a bond resolution, expend ~~turnpike-choice lane~~ facility ~~or facilities~~ revenues in advertising the ~~turnpike-choice lane~~ facilities and services of the ~~turnpike-choice lane~~ facility or facilities to the traveling public;

~~6-(6) Receive~~ receive and accept from any federal agency grants for or in the aid of the construction of any ~~turnpike-choice lane~~ facility;

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~~7.(7)~~ Establish a separate division to administer ~~turnpike~~ turnpike choice lane facilities and a separate ~~turnpike-choice lane~~ turnpike choice lane facility account;

Amend the bill further, SECTION 38, Section 57-5-1350, by striking the first undesignated paragraph and inserting:

Whenever it becomes necessary that monies be raised for a ~~turnpike~~ turnpike choice lane facility, the ~~commission-department~~ may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. ~~The request may be in the form of resolution adopted at any regular or special meeting of the commission.—~~The request shall set forth on the face thereof or by schedule attached thereto:

Amend the bill further, SECTION 38, by striking Section 57-5-1350(1) and (2) and inserting:

~~1.(1)~~ the ~~turnpike-choice lane~~ turnpike choice lane facility proposed to be constructed or designated;

~~2.(2)~~ the amount required for feasibility studies, planning, design, right-of-way acquisition, and construction of the ~~turnpike-choice lane~~ turnpike choice lane facility;

Amend the bill further, SECTION 38, by striking Section 57-5-1350(5) and (6) and inserting:

~~5.(5)~~ any feasibility study obtained by the ~~commission-department~~ relating to the proposed ~~turnpike-choice lane~~ turnpike choice lane facility;

~~6.(6)~~ the ~~commission's-department's~~ recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed ~~turnpike-choice lane~~ turnpike choice lane facility and possible future highways whose construction would have an adverse effect upon the ~~turnpike-choice lane~~ turnpike choice lane facility revenues which would otherwise be derived by the proposed ~~turnpike-choice lane~~ turnpike choice lane facility.

Amend the bill further, SECTION 39, by striking Section 57-5-1380(A) and (B) and inserting:

(A) For the payment of the principal of and interest on all turnpike bonds, there is irrevocably pledged all turnpike revenues derived from the ~~turnpike-choice lane~~ turnpike choice lane facility revenues financed by the bonds to the extent and in the manner prescribed by the bond resolution. Any interest earned on ~~turnpike-choice lane~~ turnpike choice lane facility account balances must be credited to the ~~turnpike-choice lane~~ turnpike choice lane facility account as prescribed in the bond resolution.

(B) The ~~turnpike~~ bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the ~~turnpike-choice lane~~ turnpike choice lane facility revenues. The ~~turnpike~~ bonds issued

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do not constitute an indebtedness of the State, State Fiscal Accountability Authority, or department within the meaning of any state constitutional provision or statutory limitation, except indebtedness payable solely from a revenue producing source or from a special source that does not include revenues from any tax within the meaning of Paragraph (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit, and taxing powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the ~~turnpike~~-bonds and this fact must be plainly stated on the face of each ~~turnpike~~-bond. The State Fiscal Accountability Authority and the department each lack taxing power. The General Assembly finds that choice lane facilities constitute a revenue producing project for the purposes of Paragraph (9), Section 13, Article X of the South Carolina Constitution.

Amend the bill further, SECTION 39, by striking Sections 57-5-1390 and 57-5-1400 and inserting:

Section 57-5-1390. ~~Turnpike—bonds~~Bonds shall bear interest, payable on occasions prescribed by the State Fiscal Accountability Authority, at a rate not exceeding the maximum prescribed by ~~Section 41-9-350 the bond resolution.~~ Each issue of turnpike bonds shall mature on the occasion prescribed by the State Fiscal Accountability Authority, not exceeding forty years from the date the bonds ~~be~~are issued. ~~Turnpike—bonds~~Bonds may, in the discretion of the State Fiscal Accountability Authority, be made subject to redemption at par and accrued interest, plus such redemption premium as it approves and on occasions and under conditions it prescribes. ~~Turnpike—bonds~~Bonds are not redeemable before maturity unless they contain a statement to that effect.

Section 57-5-1400. ~~Turnpike—bonds~~Bonds must be sold at private or public sale under conditions prescribed by the bond resolution~~State Fiscal Accountability Authority~~. For the purpose of bringing about successful sales of the bonds, the State Fiscal Accountability Authority may do, or cause to be done, all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of the ~~turnpike~~-bonds must be paid from the proceeds of the sale of the bonds or ~~turnpike~~-choice lane facility revenues.

Amend the bill further, SECTION 39, by striking Section 57-5-1430 and inserting:

Section 57-5-1430. ~~Turnpike—bonds~~Bonds must each be in the denomination of one thousand or five thousand dollars or some multiple thereof or such larger denominations as may be authorized by the State

Fiscal Accountability Authority in the bond resolution.

Amend the bill further, SECTION 39, Section 57-5-1440, by striking the second undesignated paragraph and inserting:

~~Turnpike bonds~~ Bonds may also be issued as fully registered bonds with both principal and interest made payable only to the registered holder. The fully registered bonds are subject to transfer under conditions the State Fiscal Accountability Authority prescribes.—~~The fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.~~

Amend the bill further, SECTION 39, by striking Section 57-5-1450(A)(1), (2), (3), and (4) and inserting:

(1) the amount, denomination, and numbering of ~~turnpike~~ bonds to be issued;

(2) ~~the date as of which they must be issued~~ method or manner of dating the ~~turnpike~~ bonds;

(3) the estimated maturity schedule for the retirement of the ~~turnpike~~ bonds and a pro forma table of anticipated principal and interest payments for such ~~turnpike~~ bonds;

(4) the form or forms of the ~~turnpike~~ bonds of the particular issue;

Amend the bill further, SECTION 39, by striking Section 57-5-1450(A)(6), (7), and (8) and inserting:

(6) the maximum rate or rates of interest the ~~turnpike~~ bonds shall bear;

(7) the specific purposes for which the ~~turnpike~~ bonds must be issued;

(8) the purposes for which the proceeds of the ~~turnpike~~ bonds must be expended, in the discretion of the State Fiscal Accountability Authority, a portion of the proceeds may be used as capitalized interest during the period of construction and initial operation and for the creation of appropriate debt service reserves and other funds and accounts as the State Fiscal Accountability Authority deems necessary or expedient from the ~~turnpike~~ bonds and the proper operation and functioning of the ~~turnpike~~ choice lane facilities;

Amend the bill further, SECTION 39, by striking Section 57-5-1450(A)(9), (10), (11), and (12) and inserting:

~~(9)~~ (9) the extent to which and the conditions under which additional parity ~~turnpike~~ bonds may be issued;

~~(10)~~ (10) any covenant considered necessary protecting the ~~turnpike~~ choice lane facility so financed from possible future competition from other highways or comparable facilities;

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~~(12)~~(11) the authorized method or methods by which the ~~turnpike~~ bonds must be sold and such other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the ~~turnpike~~ bonds;

(12) the conditions under which refunding ~~turnpike~~ bonds may be issued.

Amend the bill further, SECTION 39, by striking Section 57-5-1450(B), (C), and (D) and inserting:

~~(C)~~(B) The bond resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of ~~turnpike-choice lane~~ facility revenues made by the ~~commission~~ department and approved by the State Fiscal Accountability Authority indicates that collection from ~~turnpike-choice lane~~ facility revenues for applicable fiscal years is expected to be not less than that required for annual debt service requirements of the requested turnpike bonds. In making such finding, the department and the authority may rely in whole or in part on the work product of third-party professionals engaged to provide financial, feasibility, or practicability studies related to the ~~turnpike-choice lane~~ facilities or the financing thereof through ~~turnpike~~ bonds.

(C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or modify in any way, the designation of ~~turnpike-choice lane~~ facilities proposed pursuant to Section 57-5-1350.

(D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the combining of any ~~turnpike-choice lane~~ facilities then existing or proposed pursuant to Section 57-5-1350; provided, however, that prior to ratifying and approving such a combination from time to time the authority shall make a finding that it is in the best interest of the State after taking into account factors including, but not limited to, geographic connection, regional transportation planning, operational efficiencies, revenue stability, bonding capacity, and such other factors as it finds relevant.

Amend the bill further, SECTION 39, by striking Section 57-5-1460 and inserting:

Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to the satisfaction of the Governor and the State Treasurer that the estimated collection from the ~~sources of revenue~~ ~~turnpike-choice lane~~ facility revenues in applicable future fiscal years are not less than that required for annual debt service requirements for the requested turnpike bonds, then the Governor and State Treasurer may effect the delivery of bonds in accordance with the bond resolution.

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Amend the bill further, SECTION 40, by striking Section 57-5-1490 and inserting:

Section 57-5-1490. Any person who uses any ~~turnpike project~~ choice lane facility and fails or refuses to pay ~~the any usage charge toll~~ provided therefor then due shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, and in addition thereto the ~~Department~~ department shall have a lien upon the vehicle driven by such person for the amount of such ~~toll~~ usage charge and may take and retain possession thereof.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(A)(1) and inserting:

(1) “Electronic ~~toll~~-collection system” means a system of collecting ~~tolls or usage~~ charges which is capable of charging an account holder or person the appropriate ~~toll or usage~~ charge by electronic means ~~transmission of information from an electronic device on a motor vehicle to the toll lane, which information is used to charge the account the~~ appropriate toll or charge.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(A)(5) and (6) and inserting:

(5) “Photo-monitoring system” means a vehicle sensor installed to work in conjunction with a ~~toll collection~~ choice lane facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of ~~toll~~ usage charge collection regulations.

(6) “~~Toll violation~~ Violation” means the passage of a vehicle through a ~~toll usage fee~~ collection point without payment of the required ~~toll~~ charge.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(B) and inserting:

(B) Notwithstanding another provision of law, when a vehicle is driven through a ~~turnpike~~ choice lane facility without payment of the required ~~toll~~ charge, the owner ~~and operator~~ of the vehicle is ~~jointly and severally liable~~ responsible to the Department of Transportation to pay the required ~~toll~~ charge, administrative fees, and civil penalty as provided in this section. The department or its authorized agent may enforce collection of the required ~~toll~~ charge as provided for in this section.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(D)(1) and (2) and inserting:

(1) not more than ten dollars for the first ~~toll~~-violation within a

period of one year;

(2) not more than twenty-five dollars for each subsequent ~~toll~~ violation within a period of one year.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(E) and (F) and inserting:

(E) Upon failure to pay the required ~~toll~~-charge and administrative fees to the department within thirty days of the notice, the owner or operator may be cited for failure to pay a ~~toll~~-charge pursuant to this subsection and, upon an adjudication of liability, is subject to a civil penalty not to exceed fifty dollars for each violation as contained in subsection (F). Upon an adjudication of liability, a judgment must be entered against the owner or operator, and the court must mail a copy of the judgment to the owner or operator unless the owner has opted into receiving electronic notifications based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. Upon failure to satisfy the judgment within thirty days, the court shall notify via electronic methods pursuant to Department of Motor Vehicles' standards, the Department of Motor Vehicles and the authorized agent, and the ~~department~~-Department of Motor Vehicles shall suspend the registration of the vehicle that was operated when the ~~toll~~-charge was not paid and deny the vehicle's registration or reregistration pursuant to Section 56-3-1335. The suspension shall remain in effect until the judgment is satisfied and evidence of its satisfaction has been electronically submitted ~~presented~~ to the Department of Motor Vehicles and the authorized agent, and the owner pays the applicable reinstatement fee pursuant to Section 56-3-1335. An owner or operator who has been convicted of a violation of Section 57-5-1490 is not liable for the penalty imposed by this subsection.

(F) If a magistrate or municipal judge determines that the person or entity charged with liability under this section is liable, the magistrate or municipal judge shall collect the unpaid ~~tolls~~-charges and administrative fee and forward them to the department or its authorized agent. The magistrate or municipal judge also may impose a civil penalty of up to fifty dollars for each violation, plus court costs and attorney's fees. The civil penalty must be distributed in the same manner as other fines and penalties collected by the magistrate. Notwithstanding another provision of law:

(1) adjudication of liability pursuant to this section must be made by the magistrate's court of the county in which the toll facility is located or the municipal court of the city in which the ~~toll~~-choice lane facility is located; and

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(2) an imposition of liability pursuant to this section must be based upon a preponderance of evidence submitted and is not a conviction as an operator pursuant to Section 57-5-1490.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(G)(1), (2), (3), and (4) and inserting:

(1) a “First Notice ~~to Pay Toll~~ of Violation” to the owner or operator of a vehicle which, on one occasion in any twelve-month period, is identified as having been involved in a ~~toll~~ violation. The first notice must require payment to the department of the required ~~toll~~ charge, plus an administrative fee as provided for in subsection (D), within thirty days of the mailing of the notice;

(2) a “Second Notice ~~to Pay Toll~~ of Violation” to the owner or operator of a vehicle which is identified as having been involved in a second ~~toll~~ violation in a twelve-month period, or who has failed to respond to a “First Notice ~~to Pay Toll~~ of Violation” within the required time period. The second notice must require payment to the department of the required ~~tolls~~ charges, plus an administrative fee as provided for in subsection (D) for each violation within thirty days of the mailing or sent date of the notice;

(3) a “Failure to Pay ~~a Toll~~” citation to the owner or operator of a vehicle which is identified as having been involved in a third ~~toll~~ violation in a twelve-month period, or who has failed to respond to the second notice within the required time period. The citation requires payment to the department of the unpaid ~~tolls~~ charges, plus an administrative fee of not more than twenty-five dollars for each violation, within thirty days, or the recipient's appearance in magistrate's court of the county in which the violation occurred or the municipal court of the city in which the violation has occurred to contest the citation. A “Failure to Pay ~~a Toll~~” citation constitutes the summons and complaint for an action to recover the ~~toll~~ charges and all applicable fees allowed pursuant to this section; and

(4) notwithstanding another provision of law, the notices and citation required by this subsection ~~(G)~~ by first-class mail to the owner or operator of the vehicle identified as being involved in the ~~toll~~ violation, unless the owner has opted into receiving electronic notification based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. If a vehicle is registered in two or more names, the notices or citation must be ~~mailed sent~~ to the first name listed on the registration records. Notwithstanding another provision of law, personal delivery of the notices and citation is not required. A manual or automatic record of the mailing or sending of

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the notices or citation prepared in the ordinary course of business is prima facie evidence of the mailing of the notices or citation;

Amend the bill further, SECTION 40, by striking Section 57-5-1495(G)(5)(a), (b), (c), and (d) and inserting:

(a) the name and address of the person or entity alleged to be liable for a failure to pay a ~~toll~~-charge pursuant to this section;

(b) the registration number of the vehicle involved in the ~~toll~~ violation;

(c) the location where the ~~toll~~-violation took place;

(d) the date and time of the ~~toll~~ violation;

Amend the bill further, SECTION 40, by striking Section 57-5-1495(G)(5)(h) and inserting:

(h) information advising that failure to pay a ~~toll~~-charge may result in the suspension of vehicle registration.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(H)(1) and (2) and inserting:

(1) reported to ~~a~~-any law enforcement ~~division~~-agency as having been stolen, a valid defense to an allegation of liability for a failure to pay a ~~toll~~-charge is that the vehicle had been reported to ~~a~~-any law enforcement ~~division~~-agency as stolen before the time the violation occurred and had not been recovered by the time of the violation. If an owner receives a notice or citation pursuant to this section for a violation which occurred during a time period in which the vehicle was stolen, but which had not been reported to ~~a~~-any law enforcement ~~division~~-agency as having been stolen, a valid defense to an allegation of liability for a ~~toll~~-violation pursuant to this section is that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subitem, a certified copy of the police report on the stolen vehicle, sent by first-class mail or submitted electronically to the department, its agent, the Department of Motor Vehicles or the magistrate's court or the municipal court having jurisdiction of the citation within thirty days after receipt of the notices or citation, is sufficient;

(2) leased to another person or entity, the lessor is not liable for the violation if the lessor sends to the department or to the court having jurisdiction over the citation a copy of the rental, lease, or another contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving the notices or citation. Failure to send the information within the thirty-day period renders the lessor liable for the unpaid ~~tolls~~-charges and any administrative fees or penalties assessed pursuant to this section.

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If the lessor complies with the provisions of this subitem, the lessee of the vehicle on the date of the violation is subject to liability for the failure to pay the ~~toll~~-charge if the department or its agent mails a notice of liability to the lessee within thirty days after receipt of a copy of the rental, lease, or other contract document.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(I) and (J) and inserting:

(I) If a person or entity receives a notice or citation pursuant to this section, it is a valid defense to liability that the person or entity that receives the notice was not the owner of the vehicle at the time of the ~~toll~~-violation.

(J) If an owner who pays the required ~~tolls~~charges, fees, or penalties, or all of them pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

Amend the bill further, SECTION 40, by striking Section 57-5-1495(L) and (M) and inserting:

(L) On ~~turnpike~~-choice lane facilities where electronic ~~toll~~-charge collection systems are utilized:

(1) a person who wants to make payment of ~~tolls~~-charges electronically must apply to the department or its authorized agent to become an account holder. The department or its authorized agent, in its discretion, may deny the application of a person. A person whose application is accepted must execute an account holder's agreement. The terms of the account holder's agreement must be established by the department;

(2) the department shall ensure that adequate and timely notice is given to all electronic ~~toll~~-charge collection system account holders to inform them when their accounts are delinquent. The owner of a vehicle who is an account holder under the electronic ~~toll~~-charge collection system is not liable for a failure to pay a ~~toll~~-charge pursuant to the provisions of this section unless the department or its authorized agent has first sent a notice of delinquency to the account holder and the account holder was delinquent at the time of the violation;

(3) the department shall not sell, distribute, or make available the names and addresses of electronic ~~toll~~-charge collection system account holders, without the account holder's consent, to any entity that uses the information for commercial purposes. However, this restriction does not preclude the exchange of this information between entities with jurisdiction over or operating a toll highway bridge or tunnel;

(4) information or data collected by the department or its

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authorized agent for the purpose of establishing and monitoring electronic ~~toll-charge~~ collection accounts is not subject to disclosure under the Freedom of Information Act;

(5) notwithstanding another provision of law, all information, data, photographs, microphotographs, videotape, or other recorded images prepared pursuant to this section must be for the exclusive use of the department or its authorized agent in the discharge of its duties under this section and must not be open to the public, subject to the disclosure under the Freedom of Information Act, nor used in a court in an action or a proceeding pending unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section.

(M) Notwithstanding any other provision of law, school buses transporting school children for a school event, shall be exempt from the payment of any tolls or usage charges.

Amend the bill further, SECTION 45, Section 12-28-2920, by striking the first undesignated paragraph and inserting:

The department shall review projects for the possibility of constructing ~~toll-roads~~ financed with usage charges ~~to defray the cost of these projects~~ pursuant to the authority granted the department in ~~Section 57-5-1330~~ Article 9, Chapter 5, Title 57, as well as Section ~~57-3-200 and 57-3-205~~. No project may be funded in whole or in part by means of imposing a ~~toll-usage charge~~ on the users of the project unless ~~in conjunction with federal funds authorized for use on toll roads~~ it is determined to be substantially feasible by the department, taking into account all funding sources. The funds derived from ~~tolls-usage charges~~ must be:

Amend the bill further, SECTION 45, by striking Section 12-28-2920(2) and inserting:

(2) retained and applied by the entity or entities developing the ~~toll~~ applicable road pursuant to an agreement authorized under Section 57-3-200 or 57-3-205 for the purpose of funding the cost of construction, financing, operation, and maintenance of the ~~toll~~ applicable project; or

Amend the bill further, SECTION 45, by striking Section 12-28-2920(4) and inserting:

(4) used to pay for the operation and maintenance costs of the ~~toll~~ applicable project.

~~Upon repayment of the cost of construction and financing, toll charges shall cease.~~

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 57-5-1370 of the S.C. Code is amended to read:

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Section 57-5-1370. ~~Turnpike bonds~~ Bonds may be issued from time to time under the conditions prescribed by this article.

SECTION X. Section 57-5-1470 of the S.C. Code is amended to read:

Section 57-5-1470. All ~~turnpike~~ bonds issued under this article, and the interest thereon, are exempt from all state, county, municipal, school district, and other taxes or assessment, direct or indirect, general or special, imposed by the State of South Carolina, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes. Each ~~turnpike~~ choice lane facility constitutes a portion of the state highway system and as such is not subject to ad valorem or other forms of taxation by the State or any of its political subdivisions.

SECTION X. Article 9, Chapter 5, Title 57 of the S.C. Code is redesignated "Choice Lane Facilities".

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

The amendment was then adopted.

Rep. WHITE proposed the following Amendment No. 62 to S. 831 (LC-831.DG0027H), which was tabled:

Amend the bill, as and if amended, by striking Section 12-28-2740(D) and inserting:

~~(C)(D)~~ (D) ~~At least twenty-five thirty-three percent of a~~ A county's apportionment of "C" funds, based on a biennial averaging of expenditures, ~~must~~ may be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may also expend ~~up to seventy-five sixty-seven percent of~~ "C" construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

Rep. WHITE spoke in favor of the amendment.

Rep. WHITE moved to table the amendment, which was agreed to.

Rep. BANNISTER proposed the following Amendment No. 126 to S. 831 (LC-831.DG0032H), which was adopted:

Amend the bill, as and if amended, SECTION 32, by striking Section 57-3-205(I)(2) and inserting:

(2) Notwithstanding item (1), subsection (J), or any other provision of law, the department may enter into agreements with an adjoining state to administer a public-private partnership arrangement structure in the state as long as such agreement has been submitted to the Joint Bond Review Committee for review and comment prior to execution.

Amend the bill further, SECTION 32, Section 57-3-205, by adding a subsection to read:

(J) No toll may be imposed on an existing roadway unless expressly authorized by the General Assembly. Any tolling structure must be disclosed before the execution of the agreement and must include rate limitations or other mechanisms to protect the public.

Amend the bill further, SECTION 44, by striking Section 12-28-2740(D) and inserting:

~~(C)(D) At least twenty five thirty three percent of a~~ A county's apportionment of "C" funds, based on a biennial averaging of expenditures, ~~must~~ may be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend ~~up to seventy five sixty seven percent of~~ "C" construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

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Renumber sections to conform.  
Amend title to conform.

Rep. BANNISTER explained the amendment.  
The amendment was then adopted.

Rep. MAGNUSON spoke in favor of the Bill.  
Rep. BREWER spoke in favor of the Bill.  
Rep. WHITE spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 114; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Ford	Forrest	Frank
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Gilreath	Govan	Grant
Guest	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	J. L. Johnson
Jones	Jordan	Kilmartin
Kirby	Landing	Lastinger
Lawson	Ligon	Long
Lowe	Luck	Magnuson
Martin	McCabe	McCrary

[HJ]

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McDaniel	McGinnis	C. Mitchell
D. Mitchell	J. Moore	T. Moore
Morgan	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Reese
Rivers	Robbins	Rose
Rutherford	Sanders	Schuessler
Scott	Sessions	G. M. Smith
Stavrinakis	Taylor	Teeple
Terribile	Vaughan	Waters
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

**Total--114**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT BY REP. BANNISTER**

Rep. BANNISTER gave notice of offering amendments on third reading if necessary, pursuant to Rule 9.2.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. HOLMAN a temporary leave of absence.

**H. 5071--RECOMMITTED**

The following Bill was taken up:

H. 5071 -- Reps. Erickson, Crawford, G. M. Smith, Willis, Kirby, Garvin, Hixon, Montgomery, Martin, Brewer, Teeple, Bradley, Gilliam, Robbins, Hiott, B. Newton, Rankin, Hager, Sessions, Hewitt, Landing, Bowers, Wooten, Guffey, Taylor, Hartz, Oremus, Forrest, Guest, Vaughan, Davis, J. E. Johnson, Bannister, W. Newton, Pope, Jordan, Haddon, Herbkersman, Brittain, M. M. Smith, Ligon, Gagnon, McGinnis, C. Mitchell, Pedalino, Stavrinakis, Chapman and Gilreath: A

[HJ]

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BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-1-410, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE SECRETARY INSTEAD OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION; BY AMENDING SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; BY AMENDING SECTION 1-30-105, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; BY AMENDING SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; BY AMENDING SECTIONS 57-1-10, 57-1-40, 57-1-370, AND 57-1-430, ALL RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE GENERAL ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL APPROPRIATIONS ACT; BY AMENDING SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; BY AMENDING SECTION 57-1-90, RELATING TO MOTORCYCLES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-3-210, RELATING TO THE DEPARTMENT OF

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TRANSPORTATION CONTRACTING WITH PUBLIC TRANSIT SYSTEMS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-3-700, RELATING TO THE DEPARTMENT OF TRANSPORTATION SERVING AS AN AGENT FOR COUNTIES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-50, RELATING TO THE TRANSFER OF CERTAIN ROADS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-90, RELATING TO BELT LINES AND SPURS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-5-340, RELATING TO THE DISPOSITION OF REAL ESTATE, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-13-10, 57-13-20, 57-13-40, AND 57-13-50, ALL RELATING TO BRIDGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 57-25-120, RELATING TO DEFINITIONS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-25-140, 57-25-150, 57-25-170, 57-25-200, AND 57-25-210, ALL RELATING TO SIGNS ALONG THE HIGHWAYS, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-1-310 AND 57-1-330, BOTH RELATING TO THE COMPOSITION OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO REMOVE AT-LARGE MEMBERS; BY AMENDING ARTICLE 9, CHAPTER 5, TITLE 57, RELATING TO TURNPIKE PROJECTS, SO AS TO AUTHORIZE CERTAIN DESIGNATIONS OF TURNPIKE FACILITIES, TO PROVIDE THAT TURNPIKE BONDS ARE SPECIAL LIMITED OBLIGATIONS OF THE STATE AS SPECIFIED IN THE BOND RESOLUTION, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH THE COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND TO SET FORTH ITS DUTIES AND MEMBERSHIP; BY ADDING SECTION 57-5-105 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO TRANSFER OWNERSHIP OF CERTAIN NONESSENTIAL ROADS, TO ESTABLISH THE SYSTEM REALIGNMENT FUND TO AID IN THE TRANSFER, AND TO PROVIDE ADDITIONAL AUTHORITIES TO COUNTIES IN WHICH ALL SUCH NONESSENTIAL ROADS HAVE BEEN TRANSFERRED; BY AMENDING SECTION 57-1-360, RELATING TO THE CHIEF INTERNAL AUDITOR OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO AUTHORIZE A CERTIFIED

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INTERNAL AUDITOR AND A CERTIFIED FRAUD EXAMINER TO HOLD THE POSITION; BY AMENDING SECTION 57-3-20, RELATING TO THE DIVISION DEPUTY DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO DESIGNATE SUCH OFFICIALS AS DEPUTY SECRETARIES AND TO ESTABLISH THE DEPUTY SECRETARY FOR PLANNING; BY AMENDING SECTION 11-35-710, RELATING TO CERTAIN TRANSPORTATION EXEMPTIONS TO THE PROCUREMENT CODE, SO AS TO FURTHER DEFINE THE EXEMPTIONS; BY ADDING SECTIONS 57-5-1710 AND 57-5-1720 SO AS TO PROVIDE FOR PHASED DESIGN-BUILD CONTRACTORS AND CONSTRUCTION MANAGER/GENERAL CONTRACTORS; BY ADDING SECTION 57-3-790 SO AS TO SPECIFY THE CONDITIONS IN WHICH THE STATE WAIVES ITS IMMUNITY UNDER THE ELEVENTH AMENDMENT OF THE UNITED STATES CONSTITUTION; BY AMENDING SECTIONS 57-5-820 AND 57-5-830, BOTH RELATING TO MUNICIPALITIES AND ROADWORK, SO AS TO SPECIFY PROCEDURES WHEN A MUNICIPALITY OBJECTS TO CERTAIN ROADWORK; BY AMENDING SECTION 57-3-615, RELATING TO HIGHWAY TOLLS, SO AS TO SPECIFY THE CONDITIONS UNDER WHICH A TOLL MAY BE IMPOSED ON A STATE HIGHWAY; BY ADDING SECTIONS 57-3-240 AND 57-3-250 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND PUBLIC-PRIVATE PARTNERSHIPS, AND TO SPECIFY CONDITIONS OF SUCH AGREEMENTS; BY AMENDING SECTION 12-28-2740, RELATING TO "C" FUNDS, SO AS TO INCREASE THE AMOUNT OF SUCH FUNDS, TO SPECIFY THE MEMBERSHIP AND RESPONSIBILITIES OF COUNTY TRANSPORTATION COMMITTEES, TO PROVIDE FOR BONDING OF "C" FUNDS, TO DELETE PROVISIONS, AND TO PROVIDE FOR A CRIME REGARDING UNDUE INFLUENCE ON CERTAIN OFFICIALS; BY AMENDING SECTION 12-28-2920, RELATING TO TOLLS, SO AS TO SPECIFY WHEN TOLL REVENUES MAY BE EXPENDED; BY AMENDING SECTION 56-3-645, RELATING TO A ROAD USE FEE, SO AS TO INCREASE THE AMOUNT OF THE ALTERNATE FUEL FEE AND CREDIT THE REVENUE TO THE STATE HIGHWAY FUND; BY ADDING SECTION 12-28-360 SO AS TO IMPOSE A TAX ON ELECTRICITY CONSUMED WHEN USING CERTAIN PUBLIC VEHICLE

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CHARGING STATIONS; AND BY AMENDING SECTION 57-11-210, RELATING TO DEFINITIONS FOR PURPOSES OF STATE HIGHWAY BONDS, SO AS TO DEFINE "ALTERNATIVE FUEL FEES".

Rep. HIOTT moved to recommit the Bill to the Committee on Ways and Means, which was agreed to.

**H. 4382--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4382 -- Rep. Sessions: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-398, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE; SO AS TO REQUIRE THAT MANUFACTURERS OF THESE PRODUCTS PAY MONTHLY FEES ASSOCIATED WITH DATA COLLECTION AND TO ESTABLISH A PENALTY FOR FAILURE OF MANUFACTURERS TO COMPLY.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1o H. 4382 (LC-4382.VR0001H) :

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-398(D)(2) and inserting:

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the ~~National Association of Drug Diversion Investigators, or a successor or similar entity~~ administrator of the data collection system. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written

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log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

Amend the bill further, SECTION 1, by striking Section 44-53-398(D)(4)(a) and (b) and inserting:

(4)(a) Beginning October 1, 20252026, any manufacturer of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State must, on a monthly basis, pay fees to the administrator of the data collection system described in item (2).

~~(b) The administrator of the data collection system described in item (2) is responsible for setting the fee levels required pursuant to subitem (a).~~ The administrator of the data collection system shall, on an annual basis, establish the fee levels required pursuant to subsection (D)(4)(a); in setting such fees, the administrator of the data collection system is prohibited from increasing fees on a per-product, per-transaction basis on a year-over-year basis by an amount equal to or in excess of ten percent, unless the administrator of the data collection system can show that the increase is directly attributable to cost factors to the administrator of the data collection system, including costs for labor, services, or materials used to administer the data collection system.

Re-number sections to conform.

Amend title to conform.

Rep. GAGNON moved to adjourn debate on the amendment, which was agreed to.

Rep. GAGNON proposed the following Amendment No. 2 to H. 4382 (LC-4382.VR0003H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-398(D)(2) and inserting:

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the ~~National Association of Drug Diversion Investigators, or a successor or similar entity~~ administrator of the data collection system. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases

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made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

Amend the bill further, SECTION 1, by striking Section 44-53-398(D)(4)(a) and (b) and inserting:

(4)(a) Beginning October 1, ~~2025~~2026, any manufacturer of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State must, on a monthly basis, pay fees to the administrator of the data collection system described in item (2).

~~—(b) The administrator of the data collection system described in item (2) is responsible for setting the fee levels required pursuant to subitem (a).~~

(b) The administrator of the data collection system and all manufacturers of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State shall, on an annual basis, negotiate and establish the monthly fee required pursuant to subsection (D)(4)(a) on a per-product, per-transaction, year-over-year basis by an amount equal to or less than the amount of the monthly fee paid by manufacturers in the previous year, or an increased amount of less than ten percent of the monthly fee paid by manufacturers in the previous year. The amount of the negotiated monthly fee may only be established at an amount equal to or more than ten percent of the monthly fee paid by manufacturers in the previous year if the administrator of the data collection system can show that the increase is directly attributable to costs to administer the data collection system.

Renumber sections to conform.

Amend title to conform.

Rep. GAGNON explained the amendment.

The amendment was then adopted.

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The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4382 (LC-4382.VR0001H):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-398(D)(2) and inserting:

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the ~~National Association of Drug Diversion Investigators, or a successor or similar entity~~ administrator of the data collection system. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

Amend the bill further, SECTION 1, by striking Section 44-53-398(D)(4)(a) and (b) and inserting:

(4)(a) Beginning October 1, ~~2025~~2026, any manufacturer of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State must, on a monthly basis, pay fees to the administrator of the data collection system described in item (2).

~~(b) The administrator of the data collection system described in item (2) is responsible for setting the fee levels required pursuant to subitem (a).~~ The administrator of the data collection system shall, on an annual basis, establish the fee levels required pursuant to subsection (D)(4)(a); in setting such fees, the administrator of the data collection system is prohibited from increasing fees on a per-product, per-transaction basis on a year-over-year basis by an amount equal to or in excess of ten percent, unless the administrator of the data collection

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system can show that the increase is directly attributable to cost factors to the administrator of the data collection system, including costs for labor, services, or materials used to administer the data collection system.

Renumber sections to conform.

Amend title to conform.

Rep. GAGNON moved to table the amendment, which was agreed to.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 112; Nays 0

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Clyburn
Cobb-Hunter	Collins	Cox
Crawford	Cromer	Davis
Dillard	Duncan	Edgerton
Ford	Forrest	Frank
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Gilreath	Govan	Grant
Guest	Haddon	Hager
Hardee	Harris	Hart
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Huff
J. E. Johnson	J. L. Johnson	Jones
Jordan	Kilmartin	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCrary	McDaniel
McGinnis	C. Mitchell	D. Mitchell

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J. Moore	T. Moore	Morgan
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Reese	Rivers
Robbins	Rose	Rutherford
Sanders	Schuessler	Scott
Sessions	G. M. Smith	Stavrinakis
Teeple	Terrible	Vaughan
Waters	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

**Total--112**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 5216--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5216 -- Reps. Chapman, Brewer, Sessions, Gagnon, Sanders, Hager, Vaughan, Ligon, M. M. Smith, Kirby and Teeple: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-10-30, RELATING TO THE ADOPTION OF THE 2009 EDITION OF THE ENERGY CONSERVATION CODE, SO AS TO LIMIT ITS APPLICATION TO CONSTRUCTION FALLING WITHIN THE SCOPE OF THE INTERNATIONAL RESIDENTIAL CODE; AND BY AMENDING SECTION 6-10-40, RELATING TO APPEAL BY LOCAL JURISDICTION FOR VARIANCE TO THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO REQUIRE THAT STATEWIDE MODIFICATIONS NOT FALLING WITHIN THE SCOPE OF THE INTERNATIONAL RESIDENTIAL CODE MAY BE MADE IN THE SAME MANNER AS OTHER BUILDING CODES.

Rep. CHAPMAN explained the Bill.

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The yeas and nays were taken resulting as follows:

Yeas 88; Nays 20

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Ballentine	Bamberg	Bannister
Bauer	Bernstein	Bowers
Bradley	Brewer	Brittain
Bustos	Calhoon	Chapman
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Davis
Dillard	Duncan	Ford
Forrest	Gagnon	Garvin
Gatch	Gibson	Gilliard
Govan	Grant	Guest
Haddon	Hager	Hardee
Hart	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Hosey
J. E. Johnson	J. L. Johnson	Jones
Jordan	Kirby	Landing
Lawson	Ligon	Luck
Martin	McDaniel	McGinnis
C. Mitchell	J. Moore	T. Moore
Neese	B. Newton	W. Newton
Oremus	Pedalino	Pope
Reese	Rivers	Robbins
Rose	Sanders	Schuessler
Scott	Sessions	G. M. Smith
Stavrinakis	Taylor	Teeple
Vaughan	Waters	Weeks
Wetmore	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

**Total--88**

Those who voted in the negative are:

Bailey	Beach	Burns
Chumley	Cromer	Edgerton

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Frank	Gilreath	Harris
Huff	Kilmartin	Lastinger
Long	Magnuson	McCabe
McCraavy	Morgan	Pace
Terribile	White	

**Total--20**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 5309--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5309 -- Reps. Erickson, Hartnett and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 64 TO TITLE 59 SO AS TO ENACT THE "INTERSTATE TEACHER MOBILITY COMPACT," TO PROVIDE THE STATE OF SOUTH CAROLINA HEREBY ENTERS THE COMPACT WITH ANY AND ALL STATES LEGALLY JOINING THEREIN ACCORDING TO THE TERMS OF THE COMPACT, AND TO ADOPT THE TERMS OF THE COMPACT IN ITS SUBSTANTIAL FORM.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 3597--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3597 -- Reps. Robbins, T. Moore, Pope, W. Newton, C. Mitchell, Calhoon and Edgerton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-25-65, RELATING TO THE REDUCTION OF A SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO REQUIRE NOTICE TO THE ARRESTING LAW ENFORCEMENT AGENCY AND ANY VICTIMS, TO REQUIRE A HEARING WITH FINDINGS OF FACT IN A WRITTEN ORDER, TO REQUIRE VERIFICATION OF SUBSTANTIAL ASSISTANCE BY LAW ENFORCEMENT OR THE CORRECTIONAL FACILITY, AND TO

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ALLOW REDUCTION OF MANDATORY MINIMUM SENTENCES  
IN THE DISCRETION OF THE JUDGE.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 4641--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4641 -- Reps. Pope, Gilliam, Wooten, Oremus, Chapman, McCravy, B. Newton, Martin, White, Schuessler, Ford, Jordan, M. M. Smith, Robbins, Gatch, Duncan, Lastinger, Ligon, Hixon and Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, SO AS TO ADD KRATOM TO THE CONTROLLED SUBSTANCES LISTED IN SCHEDULE I; AND BY REPEALING ARTICLE 20 OF CHAPTER 53, TITLE 44 RELATING TO THE SOUTH CAROLINA KRATOM CONSUMER PROTECTION ACT.

Reps. BAILEY and CHAPMAN proposed the following Amendment No. 3 to H. 4641 (LC-4641.DG0005H) :

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, mitragynine, 7-hydroxymitragynine, or any other synthetically derived compound of the plant mitragyna speciosa.

Re-number sections to conform.

Amend title to conform.

Rep. POPE moved to adjourn debate on the amendment, which was agreed to.

**ACTING SPEAKER HIOTT IN CHAIR**

Rep. FORD proposed the following Amendment No. 4 to H. 4641 (LC-4641.DG0003H), which was adopted:

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Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-2020(A)(2)(c) and inserting:

(c) contains ~~a~~ ~~an~~ ~~fully synthetic~~ alkaloid including, but not limited to, ~~fully synthetic~~ mitragynine, ~~fully synthetic~~ 7-hydroxymitragynine, or any other ~~fully synthetically~~ derived compound of the plant mitragyna speciosa;

Re-number sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

The amendment was then adopted.

Rep. FORD proposed the following Amendment No. 5 to H. 4641 (LC-4641.DG0006H), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, mitragynine, 7-hydroxymitragynine, or any other synthetically derived compound of the plant mitragyna speciosa.

SECTION 2. Article 20, Chapter 53, Title 44 of the S.C. Code is repealed.

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

Re-number sections to conform.

Amend title to conform.

Rep. FORD explained the amendment.

Rep. FORD moved to table the amendment, which was agreed to.

Rep. CHAPMAN and BAILEY proposed the following Amendment No. 6 to H. 4641 (LC-4641.DG0007H):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any synthetic alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is

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substantially chemically equivalent or identical to kratom and including, but not limited to, synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *mitragyna speciosa*.

Renumber sections to conform.

Amend title to conform.

Rep. POPE moved to adjourn debate on the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 7 to H. 4641 (LC-4641.VR0005H):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-2020(A)(2)(c) and inserting:

(c) contains a ~~fully~~-synthetic alkaloid including, but not limited to, ~~fully~~-synthetic mitragynine, ~~fully synthetic~~ 7-hydroxymitragynine, or any other ~~fully~~-synthetically derived compound of the plant *mitragyna speciosa*;

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any 7-hydroxymitragynine compound of the plant *mitragyna speciosa*.

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY moved to adjourn debate on the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 8 to H. 4641 (LC-4641.DG0010H):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, mitragynine, 7-hydroxymitragynine, or any other synthetically derived compound of the plant *mitragyna speciosa*.

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SECTION 2. Article 20, Chapter 53, Title 44 of the S.C. Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY moved to adjourn debate on the amendment, which was agreed to.

Rep. BRITTAIN proposed the following Amendment No. 9 to H. 4641 (LC-4641.VR0007H):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 20, Chapter 53, Title 44 of the S.C. Code is amended to read:

Article 20

South Carolina Kratom Consumer Protection Act

Section 44-53-2010. As used in this article:

(1) "Department" means the South Carolina Department of Public Health.

(2) "Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption.

(3) "Kratom" means any part of the tropical evergreen plant *mitragyna speciosa*.

(4) "Kratom processor" means a person or entity that prepares, manufactures, distributes, or maintains kratom products or advertises, represents, or claims to sell, prepare, or maintain kratom products.

(5) "Kratom product" means any food or dietary ingredient, produced as a food, drink, powder, pill, capsule, or any other format intended for oral consumption that:

(a) contains any part of the leaf of the plant *mitragyna speciosa*, either on its native leaf or extracted form; or

(b) contains any kratom alkaloids or constituents, or synthesized metabolites of any kratom alkaloids or constituents.

(6) "Kratom retailer" means a person or entity that sells or advertises, represents, or claims to sell kratom products.

Section 44-53-2020. (A) It is unlawful for a kratom processor or kratom retailer to:

(1) distribute, dispense, or sell any kratom product to any individual under twenty-one years of age; or

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(2) prepare, manufacture, distribute, dispense, or sell any kratom product that:

(a) is adulterated with a dangerous non-kratom substance that affects the quality or strength of the product to such a degree that it may injure a consumer;

(b) contains a poisonous or otherwise harmful non-kratom ingredient including, but not limited to, any substance listed in Section 44-53-190, 44-53-210, 44-53-230, 44-53-250, or 44-53-270;

(c ) contains natural kratom with a quantity of 7-hydroxymitragynine that is more than two percent of total alkaloid content;

~~(e)~~(d) contains a ~~fully~~-synthetic alkaloid including, but not limited to, ~~fully~~-synthetic mitragynine, ~~fully~~-synthetic 7-hydroxymitragynine, or any other ~~fully~~-synthetically derived compound of the plant mitragyna speciosa;

~~(d)~~(e) contains levels of residual solvents higher than the standards set forth in Chapter 467 of the U.S. Pharmacopeia-National Formulary (USP-NF); or

~~(e)~~(f) does not meet the certificate of analysis, labeling, and marketing requirements established pursuant to ~~Section~~Sections 44-53-2025, 44-53-2030, 44-53-2035, and 44-53-2036, and ~~a regulation~~any regulations promulgated to implement the provisions of ~~that section~~those sections.

(B) It is unlawful for a kratom retailer to display or store a kratom product in a retail location in a manner that would allow the product to be accessed by an individual under twenty-one years of age.

Section 44-53-2025. (A) Every kratom product must include a certificate of analysis dated within the previous twelve months that is issued by an accredited lab, which is visible on the product, and which includes an accreditation number. The lab must not be affiliated with the manufacturer or distributor.

(B) The certificate of analysis must:

(1) match the batch/lot number on and otherwise be batch-specific;

(2) report both mitragynine and 7-hydroxymitragynine as a percentage of values of total alkaloids;

(3) confirm that 7-hydroxymitragynine is at or below two percent of total alkaloids;

(4) include a heavy metal panel that is within safe limits;

(5) include microbial testing that reflects pass/fail result;

(6) include pesticide screening panel; and

(7) include a synthetic analogue screening that confirms the absence of pseudoindoxyl.

Section 44-53-2030. Every kratom product must be accompanied by a clear label that provides adequate information for safe and effective use by consumers including, but not limited to:

(1) the botanical product name;

(2) the net weight or quantity clearly stated;

~~(3)~~(3) a list of the ingredients used in the manufacture of the product;

~~(2)~~(4) the amount of mitragynine and 7-hydroxymitragynine contained in the product;

~~(3)~~(5) the recommended serving size of the product;

~~(4)~~(6) the number of servings per container;

~~(5)~~(7) the name and the principal street address of the kratom processor and of the vendor or the person responsible for distributing the product;

(8) the batch or lot number and QR code or URL linking to batch-specific certificate of analysis;

(6) any precautionary statements as to the safety and effectiveness of the product;

(7) a statement that the product is not intended to diagnose, treat, cure, or prevent any medical condition or disease; and

(8) a statement that the sale or transfer of the product to a person under twenty-one years of age is prohibited.

Section 44-53-2035. (A) The kratom product label and certificate of analysis must confirm that the product contains only natural kratom alkaloids and the absence of any 7-hydroxymitragynine isolate, pseudoindoxyl, and synthetic opioid agonists.

(B) The certificate of analysis must quantify 7-hydroxymitragynine as a percentage of total alkaloid content, which must be a value confirmed to be at or below two percent.

(C) The certificate of analysis must explicitly confirm the absence of pseudoindoxyl, mitragynine pseudoindoxyl, and all synthetic compounds.

(D) No isolated or concentrated 7-hydroxymitragynine may be added to a kratom product at any stage of production.

(E) The certificate of analysis must include a synthetic analogue screening panel, the results of which must be negative.

Section 44-53-2036. (A) Any marketing of a kratom product must be directed exclusively at adults twenty-one years or older and must not include any of the following:

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(1) cartoon characters, animated figures, or superhero imagery;  
(2) candy, dessert, food, or beverage imagery on packaging;  
(3) opioid, prescription drug, or street drug name references;  
(4) claims that the product treats, cures, or mitigates any medical condition;

(5) marketing that targets individuals with opioid use disorder;  
and

(6) point-of-sale displays at minor eye level or near candy and snack products.

(B)(1) Any website or online store must require age verification before kratom product display or purchase.

(2) Any social media advertising must use platform age-restriction targeting tools to limit the advertising to verified adult users.

Section 44-53-2040. A ~~retailer~~person found to be in violation of ~~Section~~Sections 44-53-2020, 44-53-2025, ~~or~~ 44-53-2030, 44-53-2035, ~~or 44-53-2036~~, or a regulation promulgated pursuant to the provisions of this article, is subject to a civil penalty of not more than one thousand dollars for a first offense and a civil penalty of not more than two thousand dollars for a second or subsequent offense.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. BRITAIN moved to adjourn debate on the amendment, which was agreed to.

Rep. POPE moved to reconsider the vote whereby debate was adjourned on Amendment 3, which was agreed to.

Reps. BAILEY and CHAPMAN proposed the following Amendment No. 3o H. 4641 (LC-4641.DG0005H):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, mitragynine, 7-hydroxymitragynine, or any other synthetically derived compound of the plant mitragyna speciosa.

Renumber sections to conform.

[HJ]

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Amend title to conform.

Rep. POPE explained the amendment.

Rep. BRITTAIN spoke in favor of the amendment.

The amendment was then adopted.

Rep. CHAPMAN and BAILEY proposed the following Amendment No. 6o H. 4641 (LC-4641.DG0007H):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any synthetic alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *mitragyna speciosa*.

Renumber sections to conform.

Amend title to conform.

Rep. BRITTAIN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 7 to H. 4641 (LC-4641.VR0005H):

Amend the bill, as and if amended, SECTION 1, by striking Section 44-53-2020(A)(2)(c) and inserting:

(c) contains a ~~fully~~-synthetic alkaloid including, but not limited to, ~~fully~~-synthetic mitragynine, ~~fully synthetic~~ 7-hydroxymitragynine, or any other ~~fully~~-synthetically derived compound of the plant *mitragyna speciosa*;

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any 7-hydroxymitragynine compound of the plant *mitragyna speciosa*.

Renumber sections to conform.

[HJ]

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Amend title to conform.

Rep. BRITTAIN moved to table the amendment, which was agreed to.

Rep. MCCRAVY proposed the following Amendment No. 8 to H. 4641 (LC-4641.DG0010H):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Section 44-53-190 of the S.C. Code is amended by adding:

(G) Any alkaloid, salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof, that is substantially chemically equivalent or identical to kratom and including, but not limited to, mitragynine, 7-hydroxymitragynine, or any other synthetically derived compound of the plant *mitragyna speciosa*.

SECTION 2. Article 20, Chapter 53, Title 44 of the S.C. Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Rep. BRITTAIN moved to table the amendment, which was agreed to.

Rep. BRITTAIN proposed the following Amendment No. 9 to H. 4641 (LC-4641.VR0007H):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 20, Chapter 53, Title 44 of the S.C. Code is amended to read:

Article 20

South Carolina Kratom Consumer Protection Act

Section 44-53-2010. As used in this article:

(1) "Department" means the South Carolina Department of Public Health.

(2) "Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption.

(3) "Kratom" means any part of the tropical evergreen plant *mitragyna speciosa*.

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(4) “Kratom processor” means a person or entity that prepares, manufactures, distributes, or maintains kratom products or advertises, represents, or claims to sell, prepare, or maintain kratom products.

(5) “Kratom product” means any food or dietary ingredient, produced as a food, drink, powder, pill, capsule, or any other format intended for oral consumption that:

(a) contains any part of the leaf of the plant *mitragyna speciosa*, either on its native leaf or extracted form; or

(b) contains any kratom alkaloids or constituents, or synthesized metabolites of any kratom alkaloids or constituents.

(6) “Kratom retailer” means a person or entity that sells or advertises, represents, or claims to sell kratom products.

Section 44-53-2020. (A) It is unlawful for a kratom processor or kratom retailer to:

(1) distribute, dispense, or sell any kratom product to any individual under twenty-one years of age; or

(2) prepare, manufacture, distribute, dispense, or sell any kratom product that:

(a) is adulterated with a dangerous non-kratom substance that affects the quality or strength of the product to such a degree that it may injure a consumer;

(b) contains a poisonous or otherwise harmful non-kratom ingredient including, but not limited to, any substance listed in Section 44-53-190, 44-53-210, 44-53-230, 44-53-250, or 44-53-270;

(c ) contains natural kratom with a quantity of 7-hydroxymitragynine that is more than two percent of total alkaloid content;

\_\_\_\_\_ ~~(e)~~(d) contains a ~~fully~~—synthetic alkaloid including, but not limited to, ~~fully~~—synthetic mitragynine, ~~fully~~—synthetic 7-hydroxymitragynine, or any other ~~fully~~—synthetically derived compound of the plant *mitragyna speciosa*;

~~(d)~~(e) contains levels of residual solvents higher than the standards set forth in Chapter 467 of the U.S. Pharmacopeia-National Formulary (USP-NF); or

~~(e)~~(f) does not meet the certificate of analysis, labeling, and marketing requirements established pursuant to ~~Section~~Sections 44-53-2025, 44-53-2030, 44-53-2035, and 44-53-2036, and ~~a regulation~~any regulations promulgated to implement the provisions of ~~that section~~those sections.

(B) It is unlawful for a kratom retailer to display or store a kratom product in a retail location in a manner that would allow the product to

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be accessed by an individual under twenty-one years of age.

Section 44-53-2025. (A) Every kratom product must include a certificate of analysis dated within the previous twelve months that is issued by an accredited lab, which is visible on the product, and which includes an accreditation number. The lab must not be affiliated with the manufacturer or distributor.

(B) The certificate of analysis must:

(1) match the batch/lot number on and otherwise be batch-specific;

(2) report both mitragynine and 7-hydroxymitragynine as a percentage of values of total alkaloids;

(3) confirm that 7-hydroxymitragynine is at or below two percent of total alkaloids;

(4) include a heavy metal panel that is within safe limits;

(5) include microbial testing that reflects pass/fail result;

(6) include pesticide screening panel; and

(7) include a synthetic analogue screening that confirms the absence of pseudoindoxyl.

Section 44-53-2030. Every kratom product must be accompanied by a clear label that provides adequate information for safe and effective use by consumers including, but not limited to:

(1) the botanical product name;

(2) the net weight or quantity clearly stated;

~~(3)~~(3) a list of the ingredients used in the manufacture of the product;

~~(2)~~(4) the amount of mitragynine and 7-hydroxymitragynine contained in the product;

~~(3)~~(5) the recommended serving size of the product;

~~(4)~~(6) the number of servings per container;

~~(5)~~(7) the name and the principal street address of the kratom processor and of the vendor or the person responsible for distributing the product;

(8) the batch or lot number and QR code or URL linking to batch-specific certificate of analysis;

(6) any precautionary statements as to the safety and effectiveness of the product;

(7) a statement that the product is not intended to diagnose, treat, cure, or prevent any medical condition or disease; and

(8) a statement that the sale or transfer of the product to a person under twenty-one years of age is prohibited.

Section 44-53-2035. (A) The kratom product label and certificate

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of analysis must confirm that the product contains only natural kratom alkaloids and the absence of any 7-hydroxymitragynine isolate, pseudoindoxyl, and synthetic opioid agonists.

(B) The certificate of analysis must quantify 7-hydroxymitragynine as a percentage of total alkaloid content, which must be a value confirmed to be at or below two percent.

(C) The certificate of analysis must explicitly confirm the absence of pseudoindoxyl, mitragynine pseudoindoxyl, and all synthetic compounds.

(D) No isolated or concentrated 7-hydroxymitragynine may be added to a kratom product at any stage of production.

(E) The certificate of analysis must include a synthetic analogue screening panel, the results of which must be negative.

Section 44-53-2036. (A) Any marketing of a kratom product must be directed exclusively at adults twenty-one years or older and must not include any of the following:

(1) cartoon characters, animated figures, or superhero imagery;

(2) candy, dessert, food, or beverage imagery on packaging;

(3) opioid, prescription drug, or street drug name references;

(4) claims that the product treats, cures, or mitigates any medical condition;

(5) marketing that targets individuals with opioid use disorder; and

(6) point-of-sale displays at minor eye level or near candy and snack products.

(B)(1) Any website or online store must require age verification before kratom product display or purchase.

(2) Any social media advertising must use platform age-restriction targeting tools to limit the advertising to verified adult users.

Section 44-53-2040. A ~~retailer~~person found to be in violation of ~~Section~~Sections 44-53-2020, ~~44-53-2025~~, ~~or~~ 44-53-2030, ~~44-53-2035~~, or 44-53-2036, or a regulation promulgated pursuant to the provisions of this article, is subject to a civil penalty of not more than one thousand dollars for a first offense and a civil penalty of not more than two thousand dollars for a second or subsequent offense.

SECTION 2. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. BRITAIN moved to table the amendment, which was agreed to.

[HJ]

Rep. RUTHERFORD proposed the following Amendment No. 10 to H. 4641 (LC-4641.VR0009H), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. Article 20, Chapter 53, Title 44 of the S.C. Code is amended to read:

Article 20

South Carolina Kratom Consumer Protection Act

Section 44-53-2010. As used in this article:

(1) "Attractive to children" means a product manufactured:

(a) in a shape that resembles a human, a cartoon character or an animal; or

(b) in a form that resembles an existing candy product that is a widely distributed, branded food item.

~~(1)~~(2) "Department" means the South Carolina Department of Public Health.

~~(2)~~(3) "Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption.

~~(3)~~(4) "Kratom" means any part of the tropical evergreen plant *mitragyna speciosa*.

~~(4)~~(5) "Kratom processor" means a person or entity that prepares, manufactures, distributes, or maintains kratom products or advertises, represents, or claims to sell, prepare, or maintain kratom products.

~~(5)~~(6) "Kratom product" means any food or dietary ingredient, produced as a food, drink, powder, pill, capsule, or any other format intended for oral consumption that:

(a) contains any part of the leaf of the plant *mitragyna speciosa*, either on its native leaf or extracted form; or

(b) contains any kratom alkaloids or constituents, or synthesized metabolites of any kratom alkaloids or constituents.

~~(6)~~(7) "Kratom retailer" means a person or entity that sells or advertises, represents, or claims to sell kratom products.

Section 44-53-2020. (A) It is unlawful for a kratom processor or kratom retailer to:

(1) distribute, dispense, or sell any kratom product to any individual under twenty-one years of age; or

(2) prepare, manufacture, distribute, dispense, or sell any kratom product that:

(a) is adulterated with a dangerous non-kratom substance that

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affects the quality or strength of the product to such a degree that it may injure a consumer;

(b) contains a poisonous or otherwise harmful non-kratom ingredient including, but not limited to, any substance listed in Section 44-53-190, 44-53-210, 44-53-230, 44-53-250, or 44-53-270;

(c) contains a fully synthetic alkaloid including, but not limited to, fully synthetic mitragynine, fully synthetic 7-hydroxymitragynine, or any other fully synthetically derived compound of the plant mitragyna speciosa;

(d) contains more than twenty milligrams of 7-hydroxymitragynine per serving, package unit, or other single intended serving; or contains more than one hundred milligrams of mitragynine per serving, package unit, or other single intended serving;

~~(d)~~(e) contains levels of residual solvents higher than the standards set forth in Chapter 467 of the U.S. Pharmacopeia-National Formulary (USP-NF); or

~~(e)~~(f) does not meet the labeling requirements established pursuant to Section 44-53-2030 and a regulation promulgated to implement the provisions of that section.

~~(B) It is unlawful for a kratom retailer to display or store a kratom product in a retail location in a manner that would allow the product to be accessed by an individual under twenty-one years of age.~~

(B) It is unlawful for a kratom retailer, processor, or distributor to sell, offer for sale, transfer, deliver, or dispense a kratom product at any establishment or event where persons under twenty-one years of age are permitted unrestricted entry, including but not limited to gas stations or similar locations designated by regulation of the department.

(C) It is unlawful for a person to market, advertise, promote, package, label, or display a kratom product in a manner that is attractive to children.

Section 44-53-2030. (A) Every kratom product must be accompanied by a clear label that provides adequate information for safe and effective use by consumers including, but not limited to:

- (1) a list of the ingredients used in the manufacture of the product;
- (2) the amount of mitragynine and 7-hydroxymitragynine contained in the product;
- (3) the recommended serving size of the product;
- (4) the number of servings per container;
- (5) the name and the principal street address of the vendor or the person responsible for distributing the product;
- (6) any precautionary statements as to the safety and effectiveness

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of the product;

(7) a statement that the product is not intended to diagnose, treat, cure, or prevent any medical condition or disease; and

(8) a statement that the sale or transfer of the product to a person under twenty-one years of age is prohibited.

(B) For each batch of a registered finished kratom product, the processor shall retain and submit, upon request, a certificate of analysis to the department from an accredited laboratory. The laboratory must be accredited under the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) 17025:2017 General Requirements for Competence of Testing and Calibration Laboratories standard by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement or a subsequent arrangement. The processor may not have any direct or indirect financial or economic interest in the laboratory or accrediting body. The processor shall maintain the certificates of analysis for a minimum of one year after the finished kratom product's expiration date. The certificate of analysis must demonstrate that the finished kratom product is in compliance with statutory and regulatory concentration limits.

(C) A certificate of analysis for each production batch must be made available to consumers by QR code, website link, or printed copy upon request. A retailer or processor shall maintain testing records for not less than one year and shall make such records available to the department upon request.

Section 44-53-2040. (A) A ~~retailer~~ person found to be in violation of Section 44-53-2020 or 44-53-2030, or a regulation promulgated pursuant to the provisions of this article, is subject to a civil penalty of not more than one thousand dollars for a first offense and a civil penalty of not more than two thousand dollars for a second or subsequent offense, and product seizure.

(B) The department is authorized to promulgate regulations as necessary for enforcement of the provisions of this chapter.

SECTION 2. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Rep. RUTHERFORD explained the amendment.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. BRITTAIN spoke against the amendment.

[HJ]

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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MAGNUSON a temporary leave of absence.

Rep. BRITTAIN continued speaking.

Rep. BRITTAIN moved to table the amendment, which was agreed to.

Rep. RUTHERFORD spoke against the Bill.

Rep. CHAPMAN spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 87; Nays 7

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bannister	Bauer	Beach
Bernstein	Bowers	Bradley
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Collins
Cox	Crawford	Cromer
Davis	Duncan	Edgerton
Ford	Forrest	Gagnon
Garvin	Gilliam	Gilliard
Gilreath	Govan	Grant
Guest	Haddon	Hager
Hardee	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Huff	J. E. Johnson
Kirby	Landing	Lastinger
Lawson	Long	Lowe
Luck	Martin	McCabe
McCrary	McGinnis	C. Mitchell
D. Mitchell	J. Moore	T. Moore
Morgan	Moss	Neese
B. Newton	W. Newton	Oremus
Pedalino	Pope	Robbins

[HJ]

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Sanders	Schuessler	Scott
Sessions	G. M. Smith	Stavrinnakis
Taylor	Teeple	Terrible
Vaughan	Weeks	Wetmore
White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--87**

Those who voted in the negative are:

Bamberg	Frank	Gatch
Hosey	Reese	Rose
Rutherford		

**Total--7**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber in a meeting with the Speaker during the vote on H. 4641. If I had been present, I would have voted in favor of the bill.

Rep. Bill Hixon

**ABSTENTION FROM VOTING**

April 29, 2026

The Honorable G. Murrell Smith Jr.  
506 Blatt Building  
Columbia, SC 29201

Dear Speaker Smith,

I am notifying you in accordance with S.C. Code Ann. Section 8-13-700 that I will not participate in the vote on H. 4641, which seeks to amend the South Carolina Code of Laws by amending Section 44-53-190, relating to Schedule I controlled substances, so as to add Kratom to the controlled substances listed in Schedule I; and by repealing Article 20 of Chapter 53, Title 44 relating to the South Carolian Kratom Consumer Protection Act, out of an abundance of caution.

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I will abstain from this vote because of a potential conflict of interest as an economic interest of myself and/or the business with which I am associated may be affected. Please note this in the House Journal.

Sincerely,  
Representative Jordan Pace  
House District Number 117

**H. 5288--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5288 -- Reps. J. E. Johnson, Brittain, Yow, Guest, Haddon, Jordan, Robbins, Wickensimer, C. Mitchell, Calhoon, W. Newton, Erickson and Kirby: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-13-136 SO AS TO DEFINE NECESSARY TERMS, CREATE CARGO THEFT OFFENSES, AND PROVIDE PENALTIES FOR THE OFFENSES.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**H. 5504--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 5504 -- Reps. Crawford, G. M. Smith, Teeple, C. Mitchell and Bernstein: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "FOREIGN INFLUENCE OPERATIONS OUT OF AMERICAN EDUCATION ACT" BY ADDING SECTION 59-101-425 SO AS TO PROHIBIT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM SOLICITING OR ACCEPTING CERTAIN GIFTS OR TRAVEL FROM FOREIGN ADVERSARY NATIONS, FOREIGN PRINCIPALS, OR FOREIGN TERRORIST ORGANIZATIONS, TO RESTRICT FOREIGN INFLUENCE ON HIRING, CURRICULUM, AND CAMPUS ORGANIZATIONS, AND TO REQUIRE DISCLOSURE OF GIFTS AND CONTRACTS FROM FOREIGN COUNTRIES AND FOREIGN PRINCIPALS TO THE OFFICE OF THE STATE TREASURER.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 5504 (LC-5504.WAB0001H):

Amend the bill, as and if amended, SECTION 2, by striking Section

[HJ]

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59-101-425(F)(4) and inserting:

(4) Prior to July 1, 2027, the committee shall establish criteria to be used for the designations outlined in this section. By July 31, 2027, and annually by July thirty-first thereafter, the committee shall report to the General Assembly the names ~~any of~~ foreign nations, or foreign principals of said nations, that are funding any public institution of higher learning in this State ~~as being and which are~~ prohibited entities for purposes of this section ~~and make recommendations regarding. The committee also shall designate any~~ additions to the list of entities prohibited from funding public institutions of higher learning.

Renumber sections to conform.

Amend title to conform.

Rep. MCGINNIS explained the amendment.

Rep. MCGINNIS spoke in favor of the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 91; Nays 13

Those who voted in the affirmative are:

Atkinson	Bailey	Ballentine
Bamberg	Bannister	Bauer
Beach	Bernstein	Bowers
Bradley	Brewer	Brittain
Burns	Bustos	Calhoon
Chapman	Chumley	Clyburn
Collins	Cox	Crawford
Cromer	Davis	Duncan
Edgerton	Ford	Forrest
Frank	Gagnon	Gatch
Gibson	Gilliam	Gilreath
Govan	Grant	Guest
Haddon	Hager	Hardee
Hartnett	Hayes	Herbkersman
Hewitt	Hiott	Hixon
Huff	J. E. Johnson	Kilmartin

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Kirby	Landing	Lastinger
Lawson	Long	Lowe
Luck	Magnuson	Martin
McCrary	McGinnis	C. Mitchell
D. Mitchell	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Rose
Rutherford	Sanders	Schuessler
Scott	Sessions	G. M. Smith
Stavrinakis	Taylor	Teeple
Terribile	Vaughan	Weeks
Wetmore	White	Whitmire
Wickensimer	Willis	Wooten
Yow		

**Total--91**

Those who voted in the negative are:

Alexander	Anderson	Cobb-Hunter
Dillard	Gilliard	Henderson-Myers
Hosey	Jones	J. Moore
Reese	Rivers	Waters
Williams		

**Total--13**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 5504. If I had been present, I would have voted in favor of the Bill.

Rep. Robert Robbins

**H. 5483--DEBATE ADJOURNED**

The following Bill was taken up:

H. 5483 -- Reps. Erickson, Bradley, McGinnis, Hartnett, Teeple, Vaughan, Duncan, D. Mitchell and Lastinger: A BILL TO AMEND

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THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "EDUCATOR SAFETY AND CLASSROOM AUTHORITY ACT OF 2026" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59, SO AS TO PROVIDE FOR EDUCATOR SAFETY AND CLASSROOM AUTHORITY, TO DEFINE NECESSARY TERMS, TO ESTABLISH THE AUTHORITY OF EDUCATORS IN CLASSROOM MANAGEMENT AND STUDENT DISCIPLINE, TO PROVIDE PROCEDURES FOR STUDENT REFERRAL, REMOVAL, AND ADMINISTRATIVE RESPONSE, TO PROVIDE PROTECTIONS FOR EDUCATORS, ADMINISTRATORS, AND STAFF, TO REQUIRE CERTAIN ACTIONS BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR IMPLEMENTATION BY SCHOOL DISTRICTS.

Rep. HEWITT moved to adjourn debate on the Bill, which was agreed to.

**RECURRENCE TO THE MORNING HOUR**

Rep. HEWITT moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5129 -- Reps. J. E. Johnson, Crawford, Guest, Brittain, Atkinson, Hardee, Hayes, McGinnis and Schuessler: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 501 FROM ITS INTERSECTION WITH MEDLEN PARKWAY TO ITS INTERSECTION WITH MILL POND ROAD IN THE CITY OF CONWAY IN Horry COUNTY "CHUCK JORDAN HIGHWAY" AND PLACE APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5543 -- Reps. Gilliam and Bernstein: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF

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TRANSPORTATION NAME INTERSTATE HIGHWAY 26 EXIT 54 IN LAURENS COUNTY "COL. WALTER BLAKELY TODD MEMORIAL EXIT" AND PLACE APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS AT THIS LOCATION.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5586 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 278 EAST FROM FEED LOT ROAD TO THE TOWN LIMIT OF FAIRFAX IN ALLENDALE COUNTY THE "HONORABLE DOROTHY S. RILEY HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Ordered for consideration tomorrow.

Rep. MOSS, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1108 -- Senator Rankin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF FRED NASH BOULEVARD FROM ITS NORTH END TO ITS INTERSECTION WITH HARRELSON BOULEVARD IN HORRY COUNTY "CORNELIA BRIGHAM INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Ordered for consideration tomorrow.

Rep. W. NEWTON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 52 -- Senators Davis, Cash, Gambrell, Grooms, Jackson, Devine, Climer, Johnson, Adams, Turner, Kimbrell, Sutton, Blackmon, Williams, Alexander, Verdin, Garrett, Zell and Walker: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2930, RELATING TO OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO AMEND THE PENALTY PROVISIONS TO PERMIT SENTENCES OF BOTH FINES AND

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INCARCERATION AND TO REQUIRE CONVICTED PERSONS TO ATTEND DUI VICTIM IMPACT PANELS; BY AMENDING SECTION 56-5-2933, RELATING TO DRIVING WITH UNLAWFUL ALCOHOL CONCENTRATIONS, SO AS TO PERMIT SENTENCES OF BOTH FINES AND INCARCERATION AND TO REQUIRE CONVICTED PERSONS TO ATTEND DUI VICTIM IMPACT PANELS; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO DELETE THE PROVISION THAT PROVIDES NOTHING IN THE SECTION REQUIRES INSTALLATION OF IGNITION INTERLOCK DEVICES PRIOR TO CONTESTED CASE HEARINGS; BY AMENDING SECTION 56-5-2945, RELATING TO THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE, SO AS TO CREATE THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE SECOND DEGREE, ESTABLISH PENALTIES, AND DEFINE THE TERM "MODERATE BODILY INJURY"; BY AMENDING SECTION 56-5-2947, RELATING TO CHILD ENDANGERMENT, SO AS TO INCLUDE THE OFFENSES OF RECKLESS VEHICULAR HOMICIDE AND RECKLESS DRIVING AS VIOLATIONS SUBJECT TO A CHARGE OF CHILD ENDANGERMENT; BY AMENDING SECTION 56-5-2950, RELATING TO IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO REVISE THE CIRCUMSTANCES, PROCEDURES TO BE FOLLOWED, AND TEST SITES THAT CAN BE USED WHEN PERSONS ARE SUBJECTED TO TESTS FOR ALCOHOL OR DRUGS, TO PROVIDE THAT LABORATORY TECHNICIANS, PHLEBOTOMISTS, AND EMERGENCY MEDICAL TECHNICIANS MAY OBTAIN BLOOD OR URINE SAMPLES, TO REVISE THE PERIOD OF SUSPENSIONS OF DRIVING PRIVILEGES THAT MUST BE IMPOSED FOR FAILURE IF PERSONS REFUSE TO BE TESTED AND IF PERSONS HAVE CERTAIN ALCOHOL CONCENTRATIONS, TO REVISE THE PROVISION THAT ESTABLISHES ALCOHOL CONCENTRATIONS, AND TO DELETE THE PROVISION RELATING TO PERSONS INCAPABLE OF REFUSING TO CONSENT TO TESTS; BY AMENDING SECTION 56-5-2951, RELATING TO SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATIONS, SO AS TO PROVIDE THAT PERSONS ISSUED LICENSE SUSPENSIONS MAY INSTALL IGNITION INTERLOCK DEVICES WITHIN THIRTY DAYS AND OBTAIN

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TEMPORARY DRIVERS' LICENSES WITH IGNITION INTERLOCK RESTRICTIONS, AND TO PROVIDE THAT PERSONS WHO REFUSE TO SUBMIT TO CHEMICAL TESTS MUST HAVE THEIR DRIVERS' LICENSES SUSPENDED FOR ONE YEAR FOR A FIRST OFFENSE, AND TO PROVIDE INCREASED SUSPENSIONS FOR SUBSEQUENT OFFENSES, OR IF PERSONS TAKE THE TESTS AND REGISTER ALCOHOL CONCENTRATIONS OF OVER FIFTEEN ONE-HUNDREDTH OF ONE PERCENT OR MORE, THAT THEIR LICENSES ARE SUSPENDED FOR TWO MONTHS; BY AMENDING SECTION 56-5-2953, RELATING TO INCIDENT SITES AND BREATH TEST SITES FOR VIDEO RECORDING, SO AS TO PROVIDE THAT NOTHING IN THIS SECTION MAY BE CONSTRUED TO COMPEL OR AUTHORIZE A DISMISSAL OF A DUI OFFENSE IF THE OFFICERS SUBSTANTIALLY COMPLY WITH THE STATUTE AND THAT MOTIONS FOR SUPPRESSION OF EVIDENCE UNDER THE STATUTE MUST BE MADE PRIOR TO JEOPARDY ATTACHING; BY AMENDING SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO CREATE THE OFFENSES OF FELONY RECKLESS DRIVING WITH GREAT BODILY INJURY AND RECKLESS DRIVING RESULTING IN MODERATE BODILY INJURY AND TO ESTABLISH PENALTIES; BY ADDING SECTION 56-5-2960 SO AS TO PROVIDE THAT PERSONS CONVICTED OF FELONY DRIVING UNDER THE INFLUENCE CAUSING THE DEATH OR DISABILITY OF PARENTS OR GUARDIANS MAY BE ORDERED TO PAY CHILD SUPPORT AS RESTITUTION FOR THE DURATION OF ANY PROBATION ORDERED, PERFORM COMMUNITY SERVICE, OR BOTH; BY AMENDING SECTION 56-1-286, RELATING TO THE SUSPENSION OF LICENSES OR PERMITS OR THE DENIAL OF ISSUANCE OF LICENSES OR PERMITS TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH CERTAIN ALCOHOL CONCENTRATIONS, SO AS TO PROVIDE THAT PERSONS ISSUED NOTICES OF SUSPENSIONS MAY OBTAIN TEMPORARY LICENSES WITH IGNITION INTERLOCK RESTRICTIONS; AND BY AMENDING SECTION 56-1-400, RELATING TO THE SURRENDER OF LICENSES, SO AS TO REMOVE THE PROVISION THAT NOTHING IN THIS SECTION REQUIRES PERSONS OBTAIN IGNITION INTERLOCKS UNLESS THE OFFENSES ARE ALCOHOL RELATED.

Ordered for consideration tomorrow.

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Rep. W. NEWTON, from the Committee on Judiciary, submitted a favorable report on:

S. 582 -- Senators Massey, Alexander, Rice and Garrett: A BILL TO RATIFY AN AMENDMENT TO SECTION 4, ARTICLE II, RELATING TO VOTER QUALIFICATIONS, SO AS TO PROVIDE THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.

Ordered for consideration tomorrow.

Rep. W. NEWTON, from the Committee on Judiciary, submitted a favorable report on:

S. 357 -- Senators Rankin, Alexander, Young, Hembree, Reichenbach, Climer and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-13-190, SO AS TO CREATE THE OFFENSE OF MAIL THEFT AND PRESCRIBE PENALTIES FOR VIOLATION.

Ordered for consideration tomorrow.

Rep. W. NEWTON, from the Committee on Judiciary, submitted a favorable report with amendments on:

S. 508 -- Senators Verdin, Goldfinch, Martin, Peeler, Bennett, Young, Blackmon, Kimbrell, Zell, Nutt, Fernandez, Alexander, Turner, Adams, Leber, Corbin, Grooms, Hembree, Rice, Massey, Garrett, Chaplin, Cromer, Johnson, Gambrell, Kennedy, Davis, Climer, Campsen, Reichenbach, Bright and Cash: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10-1-165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO WITHHOLD DISBURSEMENTS FROM THE LOCAL GOVERNMENT FUND FOR ANY COUNTY OR MUNICIPALITY THAT VIOLATES THIS SECTION, TO PROVIDE FOR THE CARE AND PRESERVATION OF MONUMENTS AND MEMORIALS BY CERTAIN PEOPLE OR ORGANIZATIONS, TO PROVIDE STANDING TO CERTAIN

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PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION OR TO PREVENT SUCH VIOLATION, AND TO PROVIDE FOR LIMITATIONS ON THE TRANSFER OF REAL PROPERTY UNDERNEATH A MONUMENT OR MEMORIAL OR THE TRANSFER OF REAL PROPERTY NECESSARY TO MAINTAIN, ACCESS, OR VIEW A MONUMENT OR MEMORIAL.

Ordered for consideration tomorrow.

**S. 416--AMENDED AND REQUESTS FOR DEBATE**

The following Bill was taken up:

S. 416 -- Senators Hembree and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-210, RELATING TO GROUNDS FOR WHICH TRUSTEES MAY EXPEL, SUSPEND, OR TRANSFER PUPILS; PETITIONS FOR READMISSION; AND EXPULSION, SUSPENSION, OR TRANSFER, SO AS TO PROHIBIT EXPELLED STUDENTS FROM ENTERING SCHOOL OR SCHOOL GROUNDS INCLUDING ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING A SCHOOL BUS, TO FURTHER PROHIBIT SUSPENDED STUDENTS FROM ENTERING THE SCHOOL OR SCHOOL GROUNDS EXCEPT FOR ATTENDING DAY OR NIGHT SCHOOL FUNCTIONS OR RIDING THE SCHOOL BUS; BY AMENDING SECTION 59-63-235, RELATING TO THE EXPULSION OF A STUDENT DETERMINED TO HAVE BROUGHT A FIREARM TO SCHOOL, SO AS TO REQUIRE A STUDENT TO BE EXPELLED FOR NO LESS THAN ONE ACADEMIC YEAR FOR KNOWINGLY BRINGING A FIREARM TO A SCHOOL, TO ESTABLISH THE EXPULSION HEARING BE CONDUCTED BY THE DISTRICT BOARD OF TRUSTEES AND TO ALLOW AN EXPELLED STUDENT TO RECEIVE EDUCATIONAL SERVICES IN ALTERNATIVE SETTINGS TO INCLUDE VIRTUAL PROGRAMMING; AND BY AMENDING SECTION 59-63-250, RELATING TO THE TRANSFER OF PUPILS, SO AS TO CLARIFY THAT A BOARD MAY TRANSFER A PUPIL WITHIN THE SCHOOL DISTRICT AND REQUIRE NOTIFICATION AND INPUT FROM THE PRINCIPAL AT THE RECEIVING SCHOOL.

The Committee on Education and Public Works proposed the following Amendment No. 1 to S. 416 (LC-416.WAB0001H), which

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was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 63, Title 59 of the S.C. Code is amended by adding:

Article 6

Educator Safety and Classroom Authority

Section 59-63-610. As used in this article:

(1) "Educator" means any member of the instructional staff in an elementary or secondary public school to whom students are assigned for instruction including, but not limited to, classroom teachers, special education teachers, instructional aides, and others designated by the principal.

(2) "Administrator" means the school principal or the principal's designated representative.

(3) "Staff" means all administrators, educators, or other employees of the school or district.

(4) "Department" means the State Department of Education.

(5) "School property" means a classroom, school premises, a school bus or other district or school-owned vehicle, an official school bus stop, a school-sponsored activity or event regardless of location, or any other function where the school is responsible for the supervision and care of students.

(6) "Student code of conduct" means the written conduct policy adopted by the local school district board of trustees.

(7) "Removal" means the act of requiring a student to leave the classroom because of disruptive, abusive, or otherwise inappropriate behavior, pending further administrative or disciplinary action.

(8) "Harassment or intimidation" means a gesture, electronic communication, or a written, verbal, or physical act that is reasonably perceived to have the effect of:

(a) harming staff or damaging staff's real or personal property while at school; or

(b) placing staff in reasonable fear of harm or property damage while at school.

(9) "Abusive language" includes, but is not limited to:

(a) behavior intended to provoke someone in an insulting or contemptuous manner that is verbal, written, or digital; or

(b) threatening words or conduct intended to induce fear or bodily harm or threatening conflict intended to inflict harm within a classroom setting.

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(10) “Violence” means an intentional act that causes physical harm.

(11) “Disruptive conduct” means activities engaged in by a student which are directed against persons or property, the consequences of which may endanger the health or safety of oneself or others in the school or interfere with classroom or school activities.

(12) “Criminal conduct” means activities defined in law and engaged in by a student which result in violence to oneself or another person or property or which pose a direct and serious threat to the safety of oneself or others in the school.

(13) “Reasonable physical force” means the minimum amount of force necessary for an educator to protect himself, others, or personal or school property from harm in response to violent student behavior. This definition does not include or allow for the application of physical force as a form or means of discipline.

Section 59-63-620. (A) Educators shall establish classroom rules and expectations for their students that are consistent with state law and district policy, communicate those rules and expectations to parents or guardians, and implement consistent in-class routines to support effective classroom management, engaging instruction, and clear expectations for student behavior.

(B) Subject to state law and district policy, educators have the authority to:

(1) establish classroom rules of conduct, movement, and decorum;

(2) establish and implement consequences for violations of classroom rules that are designed to correct behavior;

(3) remove, or have removed, disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom for behavior-management intervention;

(4) refer students who are violent, abusive, or persistently disruptive to appropriate school or district personnel for further intervention;

(5) assist in enforcing rules on school property and during school activities;

(6) request and receive information from school administration regarding the disposition of referrals made for violations of classroom or school rules;

(7) request and receive immediate assistance from school administration when a classroom situation becomes unsafe or unmanageable;

(8) request professional development and training in classroom

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management, conflict resolution, violence prevention, and related areas;

(9) pursue legal remedies, including filing charges, if the educator has reason to believe he or she is the victim of a crime occurring on school property, during school-sponsored transportation, or during school-sponsored events; and

(10) use reasonable physical force to protect themselves or others from harm.

Section 59-63-630. Referral, removal, and administrative follow-up procedures must consist of:

(1) Referral to principal:

(a) If repeated attempts to direct a student to correct behavior are unsuccessful, an educator may escalate interventions for minor classroom infractions including, but not limited to, assigning detention.

(b) In instances of more serious or persistent student behavior, an educator may refer a student to the appropriate administrator for discipline and may include a written recommendation for a consequence aligned with the district's student code of conduct.

(c) Except in instances of severe violence or threat of violence, the school shall utilize a systematic and escalating approach to determine appropriate disciplinary consequences. The administrator shall make the final determination but may not alter or destroy a student discipline referral submitted by an educator without the educator's consent.

(2) Administrative response:

(a) Upon receiving a referral, an administrator shall determine whether the student violated the student code of conduct.

(b) If a violation is found, the administrator may accept the educator's recommended consequence, impose a more serious consequence if justified by the student's behavioral history, or determine another appropriate consequence based on the circumstances.

(c) The administrator shall notify the educator in writing of the disposition of the referral, including whether discipline was imposed and any consequences, interventions, or supports provided.

(3) Removal and placement:

(a) An educator may have a student removed from his or her immediate supervision and placed in an alternative setting if the student's behavior interferes with teaching or peer learning. An administrator shall place the student in another classroom, in-school suspension, or another appropriate setting consistent with district policy. The school shall notify the parent or guardian of a student removed from the classroom for disruptive or criminal conduct.

(b) A student removed from the classroom for disruptive or

criminal conduct may not return to the educator's classroom on the same day without the educator's consent and shall remain out of the classroom until the parent or guardian has acknowledged in writing awareness of the consequences for subsequent disruptive, defiant, or violent behavior.

(c) In the event of student behavior resulting in violence against an educator, and upon the educator's request, the school shall permanently remove the student from that educator's classroom, consistent with applicable law.

(4) Nothing in this act may be construed to limit, waive, or override the rights and protections afforded to students with disabilities under the Individuals with Disabilities Education Act, the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act of 1973. In the event of a conflict between this act and federal disability law, federal law shall control.

Section 59-63-640. (A) The applicable provisions of the South Carolina Tort Claims Act apply to actions taken by educators, administrators, and staff pursuant to the authority granted under this article, including actions involving student removal, referral, or the use of reasonable force.

(B) With respect to support and training, the department shall:

(1) develop guidance to support school districts, educator preparation programs, and educational leadership programs in strengthening classroom management training and the implementation of student codes of conduct; and

(2) create a statewide classroom management framework and provide related training.

(C) A school district may not suspend, terminate, or otherwise discipline an administrator, educator, or staff member for actions taken in conformity with the provisions of this article.

Section 59-63-650. In addition to other requirements for receiving state funds allocated for State Aid to Classrooms, a school district shall implement a policy adopted by the State Board of Education that establishes minimum standards regarding:

(1) expectations for schools and appropriate student behavior;

(2) requirements that persistently disruptive student behavior does not substantially disrupt the effective operations of a classroom or school;

(3) definitions of reasonable force aligned with best practices and legal principles;

(4) prohibition of harassment, intimidation, or abusive language directed at school staff or students, including procedures for reporting

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and investigation;

(5) data collection and reporting related to discipline incidents described in this article; and

(6) minimum requirements for professional development and educator and administrator preparation programs related to student discipline and classroom management.

Section 59-63-660. (A) District boards of trustees shall revise their student and staff codes of conduct to conform with this article within one year of the State Board of Education's adoption of the policy required in Section 59-63-650.

(B) The department shall provide technical assistance to school districts in revising their codes of conduct.

(C) Notwithstanding any conflicting local policies, the provisions of this article concerning educator authority, student removal, and placement control.

Renumber sections to conform.

Amend title to conform.

Rep. BRADLEY explained the amendment.

The amendment was then adopted.

Rep. WATERS proposed the following Amendment No. 2 to S. 416 (LC-416.SA0001H), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 59-63-610(13) and inserting:

(13) "Reasonable physical force" means the minimum amount of force necessary for an educator to protect himself, or others, or personal or school property from harm in response to violent student behavior. This definition does not include or allow for the application of physical force as a form or means of discipline.

Renumber sections to conform.

Amend title to conform.

Rep. WATERS explained the amendment.

The amendment was then adopted.

Rep. JONES proposed the following Amendment No. 3 to S. 416 (LC-416.HDB0001H), which was adopted:

Amend the bill, as and if amended, SECTION 5, by adding:

Section 59-63-670. (A) On forms prepared and supplied by the department, each school district in the State shall quarterly report the

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occurrence of certain incidents and actions taken under this article as delineated in subsection (B). The department shall compile the information received from the districts and annually, not later than January thirty-first of the year following the districts' final quarterly reports of the school year, make a report to the General Assembly summarizing the departments findings and publish the report to the department's website.

(B)(1) The data included in the annual report described in subsection (A) must include, without limitation, the number of:

- (a) classroom removals initiated under this article;
- (b) students not returned to the same classroom the same day;
- (c) violent incidents against educators or staff resulting in removal;
- (d) weapon or bodily-harm threat incidents resulting in expulsion proceedings under this article;
- (e) permanent classroom reassignments or removals following violence against an educator;
- (f) students placed in alternative education or virtual settings following actions under this act;
- (g) repeat incidents by students previously removed or reassigned during the same academic year; and
- (h) responses received from parents or guardians when contacted and the nature of the response.

(2) To the extent available through current systems or otherwise feasible, the department shall further disaggregate the data in item (1) by:

- (a) grade level;
- (b) gender;
- (c) race or ethnicity;
- (d) disability status; and
- (e) pupils in poverty.

(C) The department shall submit and publish its first annual report under this section after the first full academic school year following enactment of this article.

(D) Nothing in this section may be construed so as to require the disclosure of confidential student information.

(E) The State Department of Education may promulgate rules and regulations to implement the provisions of this section.

Renumber sections to conform.

Amend title to conform.

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Rep. JONES explained the amendment.  
The amendment was then adopted.

Rep. WATERS proposed the following Amendment No. 4 to S. 416 (LC-416.VR0001H), which was rejected:

Amend the bill, as and if amended, SECTION 5, by striking Section 59-63-620(B)(10) and inserting:

(10) use reasonable physical force to protect themselves or others from harm [as a last resort](#).

Re-number sections to conform.

Amend title to conform.

Rep. GRANT explained the amendment.

Rep. FRANK demanded the yeas and nays which were taken, resulting as follows:

Yeas 32; Nays 75

Those who voted in the affirmative are:

Alexander	Anderson	Bauer
Bernstein	Bradley	Clyburn
Cobb-Hunter	Dillard	Garvin
Gatch	Gilliard	Govan
Grant	Henderson-Myers	Hosey
J. L. Johnson	Jones	Kirby
Luck	Martin	McDaniel
J. Moore	Reese	Rivers
Rose	Rutherford	Scott
Teeple	Waters	Weeks
Wetmore	Williams	

**Total--32**

Those who voted in the negative are:

Atkinson	Bailey	Ballentine
Bannister	Beach	Bowers
Brewer	Brittain	Burns
Bustos	Calhoon	Caskey
Chapman	Chumley	Collins
Cox	Crawford	Cromer
Davis	Duncan	Edgerton

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Ford	Forrest	Frank
Gagnon	Gibson	Gilliam
Gilreath	Guest	Haddon
Hager	Hardee	Harris
Hartnett	Hayes	Hewitt
Hiott	Hixon	Huff
J. E. Johnson	Jordan	Kilmartin
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Magnuson	McCabe	McCrary
McGinnis	C. Mitchell	D. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino
Pope	Sanders	Schuessler
Taylor	Terribile	Vaughan
White	Whitmire	Wickensimer
Willis	Wooten	Yow

**Total--75**

So, the amendment was rejected.

Rep. WATERS proposed the following Amendment No. 5 to S. 416 (LC-416.VR0002H), which was rejected:

Amend the bill, as and if amended, SECTION 5, by striking Section 59-63-640(B)(1) and inserting:

(1) develop guidance to support school districts, educator preparation programs, and educational leadership programs in strengthening classroom management training, [including, but not limited to, deescalation and restraint training](#), and the implementation of student codes of conduct; and

    Renumber sections to conform.

    Amend title to conform.

Rep. WATERS explained the amendment.

Rep. CROMER demanded the yeas and nays which were taken, resulting as follows:

Yeas 34; Nays 70

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Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bamberg	Bauer	Bernstein
Bradley	Clyburn	Cobb-Hunter
Dillard	Garvin	Gatch
Gilliard	Govan	Grant
Hayes	Henderson-Myers	Hosey
J. L. Johnson	Jones	Kirby
Luck	McDaniel	J. Moore
Reese	Rivers	Rose
Rutherford	Stavrinakis	Teeple
Waters	Weeks	Wetmore
Williams		

**Total--34**

Those who voted in the negative are:

Bailey	Ballentine	Bannister
Beach	Bowers	Brewer
Brittain	Burns	Bustos
Calhoon	Chapman	Chumley
Collins	Cromer	Davis
Duncan	Edgerton	Ford
Forrest	Gagnon	Gibson
Gilliam	Gilreath	Guest
Haddon	Hager	Hardee
Harris	Hartnett	Herbkersman
Hewitt	Hiott	Hixon
Huff	J. E. Johnson	Kilmartin
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Magnuson	Martin	McCabe
McCrary	McGinnis	C. Mitchell
D. Mitchell	T. Moore	Morgan
Moss	Neese	W. Newton
Oremus	Pace	Pedalino
Pope	Sanders	Schuessler
Sessions	Taylor	Terrible
Vaughan	White	Whitmire

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Wickensimer  
Yow

Willis

Wooten

**Total--70**

So, the amendment was rejected.

Reps. BAUER, WETMORE, STAVRINAKIS, GARVIN, COBB-HUNTER, ALEXANDER, KIRBY, J. MOORE, ANDERSON, GRANT, GOVAN, WILLIAMS, CLYBURN, HOSEY, HENDERSON-MYERS, GILLIARD, BAMBERG and GILREATH requested debate on the Bill.

**LEAVE OF ABSENCE**

ACTING SPEAKER HIOTT granted Rep. WATERS a leave of absence for the remainder of the day.

**S. 718--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 718 (LC-718.HDB0005H), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1.A. Chapter 37, Title 27 of the S.C. Code is amended by adding:

Article 3

Ejection of Unlawful Occupants of a Residential Dwelling

Section 27-37-200. As used in this article:

(1) "Authorized enforcement official" means the county sheriff for the county in which the property is located or any county, city, or township constable, pursuant to Section 22-9-10, for the county, city, or township in which the property is located.

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(2) “Petitioner” means the owner of property containing a residential dwelling who has filed a verified petition under the provisions of this article.

(3) “Representative of the property owner” means any authorized agent or personal representative of the property owner. If the property at issue is part of an estate being probated, “representative of the property owner” refers to the representative of the estate during probate proceedings.

(4) “Respondent” means the person or persons unlawfully occupying property containing a residential dwelling, against whom a verified petition has been filed.

(5) “Unlawful occupant or occupants” means any person or persons who detain, occupy, or trespass on property containing a residential dwelling without the permission of the property owner, who otherwise have no legal right to occupy the property under state law, and who are not afforded any protections provided to a tenant under state law.

Section 27-37-210. Notwithstanding any provision of this chapter to the contrary, a property owner or representative of the property owner may seek relief for the removal of a person or persons unlawfully occupying property containing a residential dwelling under this article by filing a verified petition with the clerk of court or chief magistrate of the county in which the property is located.

Section 27-37-220. Filing fees and court costs under this article shall be the same as filing fees and court costs required when filing a claim in the court of common pleas.

Section 27-37-230. (A) Upon the filing of a verified petition under this section, and for good cause shown in the petition, the court shall immediately issue an ex parte order to remove an unlawful occupant or occupants from property containing a residential dwelling. The assertion of sufficient evidence that the person or persons are unlawfully occupying property containing a residential dwelling shall constitute good cause for purposes of this section. The petition shall set forth the following:

(1) the petitioner is the property owner or a representative of the property owner;

(2) the property that is being occupied includes a residential dwelling;

(3) an unlawful occupant or occupants have entered and remain or continue to reside on the property owner’s property;

(4) the real property was not open to members of the public at the

time the unlawful occupant or occupants entered;

(5) the unlawful occupant or occupants are occupying the property without the permission of the property owner and are not guests of the property owner nor otherwise authorized to make use of the property;

(6) the property owner has directed the unlawful occupant or occupants to leave the property and the unlawful occupant or occupants have failed or refused to vacate the premises;

(7) the unlawful occupant or occupants are not current or former tenants of the property pursuant to any agreement with the property owner;

(8) the unlawful occupant or occupants are not immediate family members of the property owner; and

(9) there is no pending litigation related to the real property between the property owner and any known unlawful occupant or occupants.

(B) An ex parte order to have the unlawful occupant or occupants removed from property containing a residential dwelling entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. Such hearing shall be held within twenty-four hours of filing the verified petition unless good cause is shown for a delay. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief or does not show good cause.

(C) Failure to serve an ex parte order on the person or persons who are unlawfully occupying property containing a residential dwelling shall not affect the validity or enforceability of such order.

Section 27-37-240. Any ex parte order granted under this article shall be to protect the petitioner from trespass by an unlawful occupant or occupants and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety including, but not limited to:

(1) restraining the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner's property, including violence against a pet;

(2) restraining the respondent from entering the petitioner's premises or dwelling unit or coming within a certain proximity of the petitioner's premises or dwelling unit; and

(3) restraining the respondent from communicating with the petitioner in any manner or through any medium.

Section 27-37-250. When the court has, after a hearing on the

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petition, issued an order for relief to permanently exclude an unlawful occupant or occupants from the petitioner's property, it may additionally:

(1) permanently restrain the respondent from committing or threatening to commit any act of violence, molestation, stalking, assault, or disturbing the peace of the petitioner or the petitioner's property, including violence against a pet;

(2) permanently restrain the respondent from entering the petitioner's premises or dwelling unit or coming within a certain proximity of petitioner's premises or dwelling unit;

(3) permanently restrain the respondent from communicating with the petitioner in any manner or through any medium;

(4) permanently expel the respondent from occupying petitioner's premises or dwelling unit;

(5) permanently expel the respondent's personal property from petitioner's premises or dwelling unit;

(6) order the respondent to pay all costs of repair to the petitioner's premises or dwelling unit relating to damages caused by the respondent;

(7) order the respondent to pay all costs associated with service of any ex parte order authorized against the respondent; or

(8) order the respondent to pay court costs.

Section 27-37-260. A verified petition seeking an ex parte order under this article shall contain allegations relating to those orders and shall pray for the orders desired.

Section 27-37-270. Once the court grants the order under this article, the authorized enforcement official shall enforce such order by removing the person or persons unlawfully occupying the property.

Section 27-37-280. If appropriate, the authorized enforcement official may arrest any person found in the dwelling for trespass, outstanding warrants, or any other legal cause.

Section 27-37-290. The authorized enforcement official is entitled to the same fee for the service of the ex parte order granted under this article as that provided for the execution of a warrant for the ejection of a trespasser pursuant to Section 15-67-630. After the authorized enforcement official serves the order, the property owner or representative of the property owner may request that the authorized enforcement official stand by to keep the peace while the property owner or representative of the property owner changes the locks and removes the personal property of the occupants from the premises to or near the property line. When such a request is made, the authorized enforcement

official may charge a reasonable hourly rate, and the person requesting the authorized enforcement official to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the authorized enforcement official. The authorized enforcement official is not liable to the unlawful occupant or occupants or to any other party for the loss, destruction, or damage of property. The property owner or representative of the property owner is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

Section 27-37-300. A person may bring a civil cause of action if the person was removed from the property under this article without just cause. Such person may seek restored possession to the real property, actual damages to personal property when personal property was removed, statutory damages in the amount of one thousand dollars, and reimbursement of court costs. Any damages authorized under this section shall be offset by any damages to the real property inflicted by the person who was removed from the real property without just cause. Such damages to real property shall be proven by the property owner. Awards of actual damages shall not exceed the value of the damaged personal property.

Section 27-37-310. The provisions of this article do not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

Section 27-37-320. All proceedings under this article are in addition to any other available civil or criminal remedies, unless otherwise specifically provided herein.

Section 27-37-330. (A) The court shall retain jurisdiction over the ex parte order or full order of protection issued under this article for its entire duration. The court may schedule compliance review hearings to monitor the respondent's compliance with the order.

(B) The terms of the ex parte order or full order of protection issued under this article are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who wilfully violates the ex parte order to the same extent as provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section 27-37-340. (A) When a law enforcement officer has probable cause to believe that a party, against whom an ex parte order under this article has been entered and who has notice of such order entered, has committed an act in violation of such order, the officer shall

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arrest the offending party-respondent regardless of whether the violation occurred in the presence of the arresting officer.

(B) In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment, or malicious prosecution.

(C) A person who violates the terms and conditions of an ex parte order under this article is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an ex parte order under this article if:

(1) the law enforcement officer responding to a call of a violation of an ex parte order under this article presented a copy of the ex parte order to the respondent; or

(2) notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.

Section 27-37-350. Nothing in this article shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

B. Chapter 37, Title 27 is retitled "Ejectment Proceedings," and the existing sections of Chapter 37, Title 27 are designated as Article 1 and entitled "Ejectment of Tenants."

SECTION 2. Article 7, Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-521. A person commits the offense of criminal mischief if he or she unlawfully detains, occupies, or trespasses upon a residential dwelling. A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not more than three years or fined not more than three thousand dollars, or both.

SECTION 3. Section 27-40-800 of the S.C. Code is amended to read:

Section 27-40-800. (a) Upon appeal to the circuit court, the case must be heard, in a manner consistent with other appeals from magistrates' court, as soon as is feasible after the appeal is docketed.

(b) ~~It is sufficient to~~ No court shall stay an execution of a judgment for ejectment. ~~that~~ Upon appeal to the circuit court, the tenant ~~sign an undertaking that he will~~ may file an affidavit with the circuit court or the magistrate having jurisdiction, in which the tenant promises to pay to the landlord the amount of rent, determined by the magistrate in accordance with ~~§~~ Section 27-40-780, as it becomes due periodically after the

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judgment was entered, in exchange for a stay of the execution of a judgment for ejection. Once the affidavit is accepted by the court, ~~Any~~ any magistrate, clerk, or circuit court judge shall order a stay of execution upon the undertaking.

(c) The undertaking affidavit by the tenant and the order staying execution may be substantially in the following form:

Bond to Stay  
Execution on Appeal  
to Circuit Court

Now comes the tenant in the above entitled action and respectfully shows the court that a judgment of ejection was issued against the tenant and for the landlord on the \_\_\_\_ day of \_\_\_\_\_, ~~1920~~, by the magistrate. ~~The Tenant~~ tenant also shows the court the tenant has ~~appealed~~ filed an appeal of the judgment of ejection to the circuit court on the \_\_\_\_ day of \_\_\_\_\_, ~~20~~.

Pursuant to the findings of the magistrate, the tenant is obligated to pay rent in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_, due on the \_\_\_\_ day of each \_\_\_\_\_.

Tenant hereby ~~undertakes~~ promises to pay the periodic rent hereinafter due according to the aforesaid findings of the court and moves the circuit court to stay execution on the judgment for ejection until this matter is heard on appeal and decided by the circuit court.

This the \_\_\_\_\_ day of \_\_\_\_\_, ~~1920~~ \_\_\_\_\_

\_\_\_\_\_  
Tenant

Upon execution of the above bond, execution on the judgment of ejection is hereby stayed until the action is heard on appeal and decided by the circuit court. If tenant fails to make any rental payment within five days of the due date under the agreed terms, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejection following the initiation of the appeal, the stay of execution shall dissolve, the appeal by the tenant to the circuit court on issues dealing with possession must be dismissed and the sheriff may dispossess the tenant. If the application is submitted to the magistrate, the landlord shall be required to provide notice of the application to the circuit court having appellate jurisdiction prior to ejecting the tenant and to effectuate proper dismissal of the appeal.

This the \_\_\_\_\_ day of \_\_\_\_\_, ~~1920~~ \_\_\_\_\_

\_\_\_\_\_  
Judge

(d) If either party disputes the amount of the payment or the due

date in the ~~undertaking~~affidavit, the aggrieved party may move for modification of the terms of the ~~undertaking~~affidavit before the circuit court. Upon the motion and upon notice to all interested parties, the court shall hold a hearing as soon as is feasible after the filing of the motion and determine what modifications, if any, are appropriate. No judgment for ejectment may be executed pending a hearing on the motion, provided the tenant complied with the terms of the ~~undertaking~~affidavit prior to moving for modification. During the pendency of the motion, the tenant shall continue to pay rent in accordance with the terms of the affidavit, and at the discretion of the judge, make payments directly to the landlord or deposit the payments into an escrow account. Upon resolution of the motion, any difference between the total rent amount paid during the appeal and the total amount owed to the landlord, as modified by the court, shall be either refunded to the tenant or become an additional obligation of the tenant to be paid to the landlord.

(e) If the tenant fails to make a payment within five days of the due date according to the ~~undertaking~~affidavit and order staying execution, the clerk, upon application of the landlord to whichever court accepted the affidavit in exchange for the stay of ejectment following the initiation of the appeal, shall issue a warrant of ejectment to be executed pursuant to ~~§~~Section 27-37-40 of the ~~1976~~S.C. Code. If the application is submitted to a court not having appellate jurisdiction over the matter, the landlord shall be required to provide notice of the application to the court having appellate jurisdiction prior to ejecting the tenant.

(f)(1) Upon appeal to the Supreme Court or to the court of appeals, ~~it is sufficient to a court shall not~~ stay an execution of a judgment for ejectment ~~that unless~~ the tenant ~~sign an undertaking that he will~~files an affidavit with the proper appellate court, in which the tenant promises to pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered. TheOnce the affidavit is accepted by the court, the judge of the court having jurisdiction shall order stay of execution upon the undertaking.

(2) The tenant's failure to comply with the terms of the ~~undertaking~~affidavit entitles the landlord to execution of the judgment for possession in accordance with the provisions of subsection (e) of this section.

SECTION 4. Chapter 2, Title 45 of the S.C. Code is amended by adding:

Section 45-2-65. (A)(1) The operator of any recreational vehicle

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park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park:

(a) illegally possesses or deals in a controlled substance as defined and covered by Chapter 53, Title 44;

(b) disturbs the peace, quiet enjoyment, or comfort of other persons;

(c) causes harm to the physical park;

(d) violates the posted park rules and regulations; or

(e) fails to make payment of rent at the rental rate agreed upon and by the time agreed upon.

(2) The admission of a person to, or the removal of a person from, any recreational vehicle park may not be based upon race, color, national origin, sex, physical disability, or creed.

(B) The operator of any recreational vehicle park shall notify such guest that the park no longer desires to entertain the guest and shall request that the guest immediately depart from the park. Notice must be given in writing, as follows: "You are hereby notified that this recreational vehicle park no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this State." If such guest has paid in advance, the park, at the time notice is given, shall tender to the guest the unused portion of the advance payment. Any guest who remains or attempts to remain in such park after being requested to leave commits a misdemeanor and must be punished by a fine not exceeding three hundred dollars or by imprisonment for not more than thirty days.

(C) If a guest has accumulated an outstanding account in excess of an amount equivalent to three nights' rent at a recreational vehicle park, the operator may disconnect all utilities of the recreational vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for the payment of the guest's account. Such arrangement must be in writing, and a copy must be furnished to the guest. Upon entering into the agreement, the operator shall reconnect the utilities of the recreational vehicle.

(D) If any person is illegally on the premises of any recreational vehicle park, the operator of the park may call upon any law enforcement officer of this State for assistance. It is the duty of law enforcement officers, upon the request of an operator, to remove from the premises or place under arrest any guest who, according to the park operator, violated subsection (A) or (B). If a warrant has been issued by the proper judicial officer for the arrest of any guest who violates subsection (A) or (B), the

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officer shall serve the warrant, arrest the guest, and take the guest into custody. Upon removal or arrest, with or without warrant, the guest is considered to have abandoned or given up any right to occupancy of the premises of the recreational vehicle park; and the operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by the guest and shall refund any unused portion of monies paid by the guest for the occupancy of such premises. If conditions do not allow for immediate removal of the guest's property, he may arrange a reasonable time, not to exceed forty-eight hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(E) In addition to the grounds for ejection established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

SECTION 5. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. WOOTEN explained the amendment.

The amendment was then adopted.

Rep. FRANK proposed the following Amendment No. 2 to S. 718 (LC-718.SA0001H), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 61-2-145 of the S.C. Code is repealed.

Renumber sections to conform.

Amend title to conform.

#### **POINT OF ORDER**

Rep. WOOTEN raised the Rule 9.3 Point of Order that Amendment No. 2 to S. 718 was not germane.

Rep. FRANK argued contra.

ACTING SPEAKER HIOTT sustained the Point of Order.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

[HJ]

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Those who voted in the affirmative are:

Alexander	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Beach	Bernstein
Bowers	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Chapman	Chumley
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Ford	Forrest
Frank	Gagnon	Garvin
Gatch	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Haddon
Hager	Hardee	Harris
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Huff
J. E. Johnson	J. L. Johnson	Jones
Jordan	Kilmartin	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCravy	McDaniel
McGinnis	C. Mitchell	D. Mitchell
J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Reese
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

**Total--108**

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Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on S. 718. If I had been present, I would have voted in favor of the Bill.

Rep. Robert Robbins

**S. 851--DEBATE ADJOURNED**

The following Bill was taken up:

S. 851 -- Senators Alexander, Young and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 34-3-900 SO AS TO DEFINE TERMS PERTAINING TO THE FINANCIAL EXPLOITATION OF AN ELIGIBLE ADULT AND TO OUTLINE A PROCEDURE FOR ESTABLISHING EMERGENCY CONTACTS FOR AN ELIGIBLE ADULT TO PROTECT THE ELIGIBLE ADULT FROM FINANCIAL EXPLOITATION.

Rep. B. NEWTON moved to adjourn debate on the Bill, which was agreed to.

**S. 196--DEBATE ADJOURNED**

The following Bill was taken up:

S. 196 -- Senator Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 91 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS, EXEMPTIONS, AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE, PROVIDE EXEMPTIONS FOR EXAMINATION, REQUIRE CONTINUING EDUCATION, ESTABLISH A PROCESS FOR RENEWAL, SET STANDARDS OF CONDUCT FOR ADJUSTERS, AND TO PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE AND PENALTIES, AMONG OTHER THINGS; BY

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ADDING CHAPTER 92 TO TITLE 38 SO AS TO DEFINE TERMS, ESTABLISH LICENSURE REQUIREMENTS AND TYPES OF LICENSES, REQUIRE AN EXAMINATION FOR LICENSURE AND PROVIDE EXEMPTIONS TO EXAMINATION, PROVIDE FOR THE DENIAL, NONRENEWAL, OR REVOCATION OF A LICENSE, REQUIRE A BOND OR LETTER OF CREDIT, REQUIRE CONTINUING EDUCATION, ALLOW FOR FEES, AND SET STANDARDS OF CONDUCT FOR PUBLIC ADJUSTERS, AMONG OTHER THINGS; TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION; AND BY REPEALING CHAPTERS 47 AND 48 OF TITLE 38.

Rep. B. NEWTON moved to adjourn debate on the Bill, which was agreed to.

**S. 150--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

S. 150 -- Senators Blackmon and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA RENTAL KART AGE ACT"; BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO PROVIDE THAT AN INDIVIDUAL IS ALLOWED TO OPERATE A RENTAL KART IF THEY ARE EIGHTEEN YEARS OF AGE OR OLDER OR ARE FIFTEEN YEARS OF AGE OR OLDER AND HOLD A VALID DRIVER'S LICENSE OR PERMIT; AND BY AMENDING SECTION 41-18-40, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA AMUSEMENT PARK RIDES SAFETY CODE, SO AS TO MAKE CONFORMING CHANGES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 150 (LC-150.WAB0001H), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 41-18-30(D)(2) and (3) and inserting:

(2) No person shall operate a ~~super-rental~~ kart in any establishment where other ~~permanent~~-amusement devices are located or operated. Establishments offering ~~super-rental~~ karts must not share an entrance or exit with any other establishment offering ~~an a-permanent~~

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amusement device and must charge a separate fee for operating ~~super-rental~~ karts.

(3) A sign shall be on display on the premises where ~~super-rental~~ karts are operated stating: “~~Super-Rental~~ karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. ~~Super-Rental~~ karts may not reach speeds in excess of ~~fifty~~ forty miles per hour. Drive at your own risk.”

Amend the bill further, SECTION 3, by striking Section 41-18-40(16) and inserting:

(16) “~~Super-Rental~~ kart” means an open-wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing not in excess of ~~fifty~~ forty miles per hour. ~~Super-Rental~~ kart does not mean “concession go-kart” as defined by this section. ~~Rental karts may operate, but are not limited to operating, within the containment system of a defined track.~~

Renumber sections to conform.

Amend title to conform.

Rep. WOOTEN explained the amendment.

The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 0

Those who voted in the affirmative are:

Alexander	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Beach	Bernstein
Bowers	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Cox	Crawford
Cromer	Davis	Dillard
Duncan	Edgerton	Ford
Forrest	Frank	Gagnon
Garvin	Gatch	Gibson
Gilliam	Gilliard	Gilreath
Govan	Grant	Guest

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Haddon	Hager	Hardee
Harris	Hartnett	Hayes
Henderson-Myers	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Huff	J. E. Johnson	Jones
Jordan	Kilmartin	Kirby
Landing	Lastinger	Lawson
Ligon	Long	Lowe
Luck	Magnuson	Martin
McCabe	McCravy	McDaniel
McGinnis	C. Mitchell	D. Mitchell
J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Reese
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	Stavrinakis	Taylor
Teeple	Terrible	Vaughan
Weeks	Wetmore	White
Whitmire	Wickensimer	Williams
Willis	Wooten	Yow

**Total--108**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on S. 150. If I had been present, I would have voted in favor of the Bill.

Rep. Robert Robbins

**LEAVE OF ABSENCE**

ACTING SPEAKER HIOTT granted Rep. STAVRINAKIS a leave of absence for the remainder of the day.

[HJ]

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**S. 697--DEBATE ADJOURNED**

The following Bill was taken up:

S. 697 -- Senator Gambrell: A BILL TO TRANSFER THE SOUTH CAROLINA 211 NETWORK TO THE DEPARTMENT OF CONSUMER AFFAIRS; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-6-515 SO AS TO CREATE THE SOUTH CAROLINA 211 NETWORK WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS; AND BY AMENDING SECTION 1-11-770, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO MAKE CONFORMING CHANGES.

Rep. B. NEWTON moved to adjourn debate on the Bill, which was agreed to.

**S. 715--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 715 -- Senators Sutton, Rice, Elliott and Turner: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-50, RELATING TO ORGANIZATIONS EXEMPT FROM REGISTRATION PROVISIONS, ALTERNATE FILINGS, AND FUNDRAISING ACTIVITIES, SO AS TO INCREASE THRESHOLDS FOR CHARITIES REQUESTING EXEMPTIONS; BY AMENDING SECTION 33-56-70, RELATING TO THE REQUIREMENT THAT CONTRACTS WITH PROFESSIONAL SOLICITORS MUST BE IN WRITING, FILING REQUIREMENTS, JOINT FINANCIAL REPORTS FOR EACH CAMPAIGN, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO LIMIT FILING REQUIREMENTS TO COMMERCIAL CO-VENTURERS UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 33-56-90, RELATING TO DISCLOSURES TO SOLICITED PARTIES, SO AS TO REQUIRE ANY ENTITY THAT SOLICITS FOR CHARITABLE ORGANIZATIONS TO DISCLOSE THE LEGAL NAME AND PURPOSE OF THE CHARITY FOR WHICH THEY ARE SOLICITING; BY AMENDING SECTION 33-56-110, RELATING TO THE REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO LIMIT REGISTRATION REQUIREMENTS FOR

[HJ]

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COMMERCIAL CO-VENTURERS SOLICITING MORE THAN TEN THOUSAND DOLLARS IN A SINGLE SOLICITATION CAMPAIGN; BY AMENDING SECTION 33-56-110, RELATING TO REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO PROVIDE THAT IF A COMMERCIAL CO-VENTURER INTENDING TO BE EXEMPT FROM REGISTRATION WITH THE SECRETARY OF STATE COLLECTS, EARNS, OR RECEIVES CHARITABLE CONTRIBUTIONS IN EXCESS OF TEN THOUSAND DOLLARS DURING A SOLICITATION CAMPAIGN, THEN THE COMMERCIAL CO-VENTURER SHALL REPORT TO THE SECRETARY OF STATE; AND BY AMENDING SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO PROHIBIT COMMERCIAL CO-VENTURERS FROM USING REGISTRATION WITH THE SECRETARY OF STATE AS AN ENDORSEMENT BY THE STATE.

Rep. WOOTEN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Alexander	Atkinson	Bailey
Ballentine	Bamberg	Bannister
Bauer	Beach	Bernstein
Bowers	Bradley	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chapman
Clyburn	Cobb-Hunter	Collins
Cox	Crawford	Cromer
Davis	Dillard	Duncan
Edgerton	Ford	Forrest
Frank	Gagnon	Garvin
Gatch	Gibson	Gilliam
Gilliard	Gilreath	Govan
Grant	Guest	Haddon
Hager	Hardee	Harris
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Hosey	Huff

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J. E. Johnson	Jones	Jordan
Kilmartin	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Magnuson
Martin	McCrary	McDaniel
McGinnis	C. Mitchell	D. Mitchell
J. Moore	T. Moore	Morgan
Moss	Neese	B. Newton
W. Newton	Oremus	Pace
Pedalino	Pope	Reese
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	Taylor	Teeple
Vaughan	Weeks	Wetmore
White	Whitmire	Wickensimer
Williams	Willis	Wooten
Yow		

**Total--103**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on S. 715. If I had been present, I would have voted in favor of the Bill.

Rep. Robert Robbins

**S. 325--DEBATE ADJOURNED**

The following Bill was taken up:

S. 325 -- Senators Massey, Alexander, Walker and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING

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SECTION 1-30-145 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR," SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104(6), 37-6-117(I), 37-6-501 THROUGH 510, 37-6-602, AND 37-6-604(B), ALL RELATING TO FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT.

Rep. B. NEWTON moved to adjourn debate on the Bill, which was agreed to.

**S. 163--DEBATE ADJOURNED**

The following Bill was taken up:

S. 163 -- Senators Verdin and Leber: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROHIBIT A GOVERNING AUTHORITY FROM ACCEPTING OR REQUIRING PAYMENT USING CENTRAL BANK DIGITAL CURRENCY OR PARTICIPATING IN A TEST OF CENTRAL BANK DIGITAL CURRENCY; TO PERMIT INDIVIDUALS OR BUSINESSES USING DIGITAL CURRENCY FOR TRANSACTIONS; TO PROVIDE THAT DIGITAL ASSETS MAY NOT BE SINGLED OUT FOR DISPARATE TAX TREATMENT; TO PROVIDE THAT DIGITAL CURRENCY TRANSACTION MAY BE TAXED IF THE TAXATION IS THE SAME AS IF THE TRANSACTION USED UNITED STATES LEGAL TENDER; TO PROVIDE THAT DIGITAL CURRENCY OPERATIONS MAY BE NOT BE SUBJECTED TO DISPARATE ZONING TREATMENT; TO PROVIDE THAT DIGITAL ASSET MINING BUSINESS OPERATIONS SHALL NOT PLACE ANY ADDITIONAL STRESS ON THE ELECTRICAL GRID FOR WHICH THEY ARE CONNECTED AND TO PROVIDE THAT DIGITAL MINING BUSINESSES MUST PROVIDE CERTAIN INFORMATION TO THE PUBLIC SERVICE COMMISSION UPON REQUEST; TO PROVIDE THAT THOSE ENGAGED IN DIGITAL

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MINING OPERATIONS DO NOT HAVE TO OBTAIN CERTAIN LICENSES AND THAT THOSE WHO PROVIDE CERTAIN SERVICES RELATED TO DIGITAL MINING OR STAKING ARE NOT OFFERING A SECURITY; TO PROVIDE THAT THE ATTORNEY GENERAL CAN PROSECUTE AN INDIVIDUAL WHO OR BUSINESS THAT FRAUDULENTLY CLAIM TO BE OFFERING DIGITAL ASSET MINING AS SERVICE OR STAKING AS A SERVICE; AND TO DEFINE NECESSARY TERMS.

Rep. B. NEWTON moved to adjourn debate on the Bill, which was agreed to.

**H. 3371--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3371 -- Rep. Hixon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-2420, RELATING TO ADMISSIONS TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY CERTAIN NONPROFIT BUSINESS LEAGUES AND CHAMBERS OF COMMERCE.

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3371 (LC-3371.DG0001H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-21-2420(18) and inserting:

(18) on admissions charged by ~~business leagues or~~ chambers of commerce qualified under 501(c)(6) by the Internal Revenue Service, which are not organized for profit, and no part of whose earnings inure to the benefit of any private shareholder or individual.

Renumber sections to conform.

Amend title to conform.

Rep. B. NEWTON explained the amendment.

The amendment was then adopted.

Rep. HIXON proposed the following Amendment No. 2 to H. 3371 (LC-3371.DG0003H), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-21-2420(18) and inserting:

(18) on admissions charged by local chambers of commerce

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qualified under 501(c)(6) by the Internal Revenue Service, which are not organized for profit, and no part of whose earnings inure to the benefit of any private shareholder or individual.

Renumber sections to conform.  
Amend title to conform.

Rep. HIXON explained the amendment.  
The amendment was then adopted.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:  
Yeas 101; Nays 5

Those who voted in the affirmative are:

Alexander	Anderson	Atkinson
Bailey	Ballentine	Bamberg
Bannister	Bauer	Beach
Bernstein	Bowers	Brewer
Brittain	Burns	Bustos
Calhoon	Caskey	Chapman
Chumley	Clyburn	Cobb-Hunter
Collins	Cox	Crawford
Davis	Dillard	Duncan
Edgerton	Forrest	Frank
Gagnon	Garvin	Gatch
Gibson	Gilliam	Gilliard
Govan	Grant	Guest
Haddon	Hager	Hardee
Hartnett	Hayes	Henderson-Myers
Herbkersman	Hewitt	Hiott
Hixon	Holman	Hosey
Huff	J. E. Johnson	Jordan
Kilmartin	Kirby	Landing
Lastinger	Lawson	Ligon
Long	Lowe	Luck
Magnuson	Martin	McCrary
McDaniel	McGinnis	C. Mitchell
T. Moore	Morgan	Moss
Neese	B. Newton	W. Newton
Oremus	Pace	Pedalino

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Pope	Reese	Rivers
Rose	Rutherford	Sanders
Schuessler	Scott	Sessions
G. M. Smith	Taylor	Teeple
Terrible	Vaughan	Weeks
Wetmore	White	Whitmire
Wickensimer	Williams	Willis
Wooten	Yow	

**Total--101**

Those who voted in the negative are:

Cromer	Ford	Gilreath
Harris	D. Mitchell	

**Total--5**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 3371. If I had been present, I would have voted in favor of the Bill.

Rep. Robert Robbins

Rep. HEWITT moved that the House do now adjourn, which was agreed to.

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 5238 -- Reps. Schuessler, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones,

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Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO SUPPORT AND ENCOURAGE ALL EFFORTS TO REDUCE WASTE GENERATION AND INCREASE OPPORTUNITIES FOR WASTE DIVERSION THROUGH RECYCLING INITIATIVES IN ORDER TO ADDRESS DECREASING DISPOSAL CAPACITY.

H. 5456 -- Reprs. Luck, Hayes, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Erickson, Ford, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lastinger, Lawson, Ligon, Long, Lowe, Magnuson, Martin, McCabe, McCravy, McDaniel, McGinnis, C. Mitchell, D. Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Scott, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terribile, Vaughan, Waters, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DESIGNATE SATURDAY, JUNE 6, 2026, AS "MARIAN WRIGHT EDELMAN DAY," ENCOURAGING RESIDENTS, EDUCATORS, STUDENTS, AND COMMUNITY ORGANIZATIONS TO CELEBRATE HER LEGACY THROUGH ACTS OF SERVICE, THROUGH WELLNESS AND MINDFULNESS PRACTICES, AND THROUGH EFFORTS THAT ADVANCE OPPORTUNITY AND JUSTICE FOR ALL CHILDREN.

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**ADJOURNMENT**

At 4:57 p.m. the House, in accordance with the motion of Rep. KING, adjourned in memory of Dorothy F. Cobb, to meet at 10:00 a.m. tomorrow.

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