

NO. 68

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

TUESDAY, MAY 12, 2026

Tuesday, May 12, 2026
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Deuteronomy 34:1a and 4c

Near the close of Deuteronomy, we read that: "Then Moses climbed Mount Nebo from the plains of Moab to the top of Pisgah, across from Jericho." Then the Lord said, ". . . but you will not cross over into it."

Bow in prayer with me, please: Like Moses of old, dear Lord, we also know the satisfaction of successfully checking off items on our to-do lists. And when that happens, how marvelous it is. Yet, as Moses found out and as we also know, it certainly doesn't play out that way all the time. And here at this juncture of the 2026 legislative term, a great deal has been wrapped up by this Senate in positive ways. Thank goodness. But, as members of this Body also know full well, there are many loose ends crying out for completion. So today we pray all the more, O God, that You will grant to each Senator and staff aide the will and the wisdom to continue doing their best to keep laboring diligently on behalf of the good people of this State. In Your name we humbly pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RECESS

At 12:02 P.M., on motion of Senator MARTIN, the Senate recessed from business until 1:00 P.M.

At 1:07 P.M., the Senate resumed.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin

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Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Jackson	Johnson
Kennedy	Kimbrell	Leber
Martin	Massey	Ott
Peeler	Reichenbach	Rice
Stubbs	Sutton	Turner
Verdin	Walker	Williams
Young	Zell	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Reappointment, Hampton County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Hampton County:

Hon. Lakeshia X. Allen, P.O. Box 1299, Varnville, SC 29944

Reappointment, Jasper County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Jasper County:

Hon. Jacqueline S. Lee, P.O. Box 61, Pineland, SC 29934

Doctor of the Day

Senator DEVINE introduced Dr. Richard McCain of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator MARTIN, at 6:17 P.M., Senator KIMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator DEVINE, at 6:17 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator BLACKMON, at 6:17 P.M., Senator ZELL was granted a leave of absence for the balance of the day.

Motion to Ratify Adopted

At 4:52 P.M., on motion of Senator PEELER, the House of Representatives was invited to attend the Senate Chamber for the purpose of ratifying Acts at mutually convenient times today, Wednesday, and Thursday.

A message was sent to the House accordingly.

Expression of Personal Interest

Senator MATTHEWS rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator WALKER, with unanimous consent, the remarks of Senator MATTHEWS, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator GARRETT rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator YOUNG, with unanimous consent, the remarks of Senator GARRETT, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator GRAHAM rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator YOUNG, with unanimous consent, the remarks of Senator GRAHAM, when reduced to writing and made available to the Desk, would be printed in the Journal.

RECALLED

H. 4591 -- Reps. Guffey, Pope, Oremus, Martin, Schuessler, Sessions, T. Moore, Chapman, Lawson, Brewer, Ford, Pedalino, Ligon, Robbins, Terrible, Huff, Govan, Wickensimer, Lastinger, W. Newton, Hewitt, Calhoon and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "STOP HARM FROM

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ADDICTIVE SOCIAL MEDIA (SHASM) ACT”; AND BY ADDING ARTICLE 9 TO CHAPTER 5, TITLE 39 SO AS TO REQUIRE COVERED SOCIAL MEDIA PLATFORMS TO USE REASONABLE MEANS TO ESTIMATE THE AGE OF CERTAIN ACCOUNT HOLDERS, TO VERIFY THE AGE OF CERTAIN ACCOUNT HOLDERS, TO CREATE DEFAULT ACCOUNT SETTINGS FOR CERTAIN USERS, AND TO CREATE CERTAIN PARENTAL CONSENTS.

Senator DAVIS asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry.

The Bill was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4300 -- Reps. Bannister, Jordan, W. Newton, Yow, Mitchell and Luck: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-8-50, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO PROVIDE THAT JUDGES ARE VESTED IN THE SYSTEM AFTER ATTAINING EIGHT YEARS OF EARNED SERVICE; AND BY AMENDING SECTION 9-8-60, RELATING TO THE RETIREMENT SYSTEM FOR JUDGES’ AND SOLICITORS’ ALLOWANCES, SO AS TO CHANGE THE RETIREMENT AGE OF JUDGES FROM SEVENTY-TWO TO SEVENTY-FOUR.

Senator PEELER asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

The Bill was recalled from the Committee on Finance and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5018 -- Rep. G.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-1-1210, RELATING TO ANNUAL SALARIES OF CERTAIN STATE OFFICERS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR

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AGENCY HEADS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY, AND TO REQUIRE THE COMMISSION TO AUTHORIZE A STUDY EVERY FOUR YEARS TO RECOMMEND SALARY RANGES FOR THE GOVERNOR AND LIEUTENANT GOVERNOR; AND BY AMENDING SECTION 8-11-165, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES.

Senator PEELER asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

The Bill was recalled from the Committee on Finance and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5189 -- Reps. Pope, Guffey, King, Ligon, Martin, Moss, Sessions and Terribile: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF CHARLOTTE AVENUE IN THE CITY OF ROCK HILL IN YORK COUNTY FROM THE INTERSECTION OF MCDOW DRIVE TO ITS INTERSECTION WITH NORTH AVENUE "OFFICER STEVEN WAYNE JORDAN MEMORIAL STREET" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5190 -- Reps. Pope, Guffey, King, Ligon, Martin, Moss, Sessions and Terribile: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SALUDA STREET IN THE CITY OF ROCK HILL IN YORK COUNTY FROM THE INTERSECTION OF JOHNSTON STREET TO ALBRIGHT ROAD "OFFICER ROBERT MORRIS MCFADDEN

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MEMORIAL STREET” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5191 -- Reps. Pope, Guffey, King, Ligon, Martin, Moss, Sessions and Terrible: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF BLACK STREET IN THE CITY OF ROCK HILL IN YORK COUNTY, FROM ALBRIGHT ROAD TO ORANGE STREET, “DETECTIVE WILLIAM A. SINGLETON MEMORIAL STREET” AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 5192 -- Reps. Pope, Guffey, King, Ligon, Martin, Moss, Sessions and Terrible: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF JOHNSTON STREET IN THE CITY OF ROCK HILL IN YORK COUNTY FROM THE ON RAMP TO DAVE LYLE BOULEVARD TO SOUTH WILSON STREET “OFFICER ROBERT GILMORE JOHNSTON MEMORIAL STREET” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1188 -- Senators Martin and Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JEREMY CLEMENTS FOR HIS SUCCESS AS A NASCAR DRIVER AND TO COMMEND HIM FOR HIS STORIED CAREER IN RACING.

sr-0678km-vc26.docx

The Senate Resolution was adopted.

S. 1189 -- Senators Jackson and Devine: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MAYOR VIOLA ALEXANDER LYLES FOR HER DEDICATION TO PUBLIC SERVICE AND EFFORTS TO PROMOTE EQUITY, OPPORTUNITY, AND PROGRESS WITHIN THE COMMUNITY.

lc-0756wab-jah26.docx

The Senate Resolution was adopted.

S. 1190 -- Senators Bennett, Adams, Alexander, Allen, Blackmon, Bright, Campsen, Cash, Chaplin, Climer, Corbin, Cromer, Davis, Devine, Elliott, Fernandez, Gambrell, Garrett, Goldfinch, Graham, Grooms, Hembree, Hutto, Jackson, Johnson, Kennedy, Kimbrell, Leber, Martin, Massey, Matthews, Ott, Peeler, Rankin, Reichenbach, Rice, Sabb, Stubbs, Sutton, Tedder, Turner, Verdin, Walker, Williams, Young and Zell: A CONCURRENT RESOLUTION TO DECLARE NOVEMBER 2026 AS "LUNG CANCER AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

lc-0586cm-gm26.docx

The Concurrent Resolution was adopted, ordered sent to the House.

H. 5653 -- Rep. Scott: A BILL TO AMEND ACT 843 OF 1952, AS AMENDED, RELATING TO THE LEE COUNTY BOARD OF EDUCATION, SO AS TO CLARIFY THE METHOD BY WHICH PERSONS FILE TO BECOME A CANDIDATE FOR ELECTION TO THE BOARD, THE MANNER IN WHICH BOARD ELECTIONS ARE CONDUCTED, AND THE MANNER IN WHICH VACANCIES ON THE BOARD ARE FILLED; AND TO PROVIDE FOR THE ANNUAL COMPENSATION OF MEMBERS OF THE BOARD.

lc-0427hdb26.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

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H. 5664 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PATTERSON MILL ROAD FROM SOUTH CAROLINA HIGHWAY 125 IN ALLENDALE COUNTY TO SOUTH CAROLINA HIGHWAY 64 IN BARNWELL COUNTY "VETERANS MEMORIAL HIGHWAY" AND PLACE APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

lc-0576cm-gt26.docx

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

Appointments Reported

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointments

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2026, and to expire January 1, 2030

At-Large, Chair:

Peter M. McCoy, Jr., 451 Wampler Dr., Charleston, SC 29412-9152

Received as information.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2027, and to expire January 1, 2031

7th Congressional District:

Hugh L. Wilcox, Jr., Esquire, P.O. Box 1909, Florence, SC 29503

Received as information.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2027, and to expire January 1, 2031

1st Congressional District:

Charles Samuel Bennett II, 61 Carroll Drive, Bluffton, SC 29910

Referred to the Committee on Judiciary.

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Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2027, and to expire January 1, 2031

Berkeley County:

John Samuel West, Esquire, 207 Carolina Avenue, Moncks Corner, SC 29461

Received as information.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2026, and to expire January 1, 2030

4th Congressional District:

Charles E. Dalton, 11 Harvest Court, Greenville, SC 29601-4409

Received as information.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence January 1, 2026, and to expire January 1, 2030

2nd Congressional District:

Stacy K. Taylor, 124 Harding Street, Chapin, SC 29036

Received as information.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

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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 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.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

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 PEOPLE OR ORGANIZATIONS TO BRING A CIVIL ACTION IN RESPONSE TO A VIOLATION OF THIS SECTION OR TO

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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.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator VERDIN explained the amendments.

On motion of Senator VERDIN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 695 -- Senators Young, Graham, Devine, Walker and Sutton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA SAFEGUARDING AMERICAN VETERANS' BENEFITS ACT"; AND BY ADDING ARTICLE 8 TO CHAPTER 11, TITLE 25, SO AS TO PROVIDE DEFINITIONS, SET GUIDELINES AND LIMITS FOR COMPENSATION, MEMORIALIZE TERMS, AND STATE PENALTIES FOR NONCOMPLIANCE.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 787 -- Senator Gambrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-3-110 SO

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AS TO DEFINE BRIDGE LOANS; AND BY AMENDING SECTION 37-3-402, RELATING TO BALLOON PAYMENTS, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO BRIDGE LOANS.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Resolution to the Senate with amendments:

S. 883 -- Senators Alexander, Martin, Massey, Peeler and Hutto: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2026, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2026, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

Very respectfully,

Speaker of the House

Received as information.

NONCONCURRENCE

S. 883 -- Senators Alexander, Martin, Massey, Peeler and Hutto: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14,

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2026, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND IN RECESS SUBJECT TO THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2026, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The House returned the Resolution with amendments.

The Senate proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator MASSEY spoke on the Resolution.
Senator HUTTO spoke on the Resolution.
Senator JACKSON spoke on the Resolution.
Senator RANKIN spoke on the Resolution.
Senator CAMPSSEN spoke on the Resolution.

Senators JOHNSON and ZELL proposed the following amendment (SJ-883.MB0002S), which was tabled:

Amend the concurrent resolution, as and if amended, by striking subsection (B)(8) and inserting:

(8) introduction, receipt, and consideration of bills and joint resolutions affecting redistricting for the seven seats of the U.S. House of Representatives; the forty-six seats of the South Carolina Senate, and the one hundred twenty-four seats of the South Carolina House of Representatives, receipt and disposition of conference and free conference reports regarding redistricting for the seven seats of the U.S. House of Representatives, the forty-six seats of the South Carolina Senate, and the one hundred twenty-four seats of the South Carolina House of Representatives; and any other related matters including, but not limited to, the 2026 election calendar.

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

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Senator GROOMS spoke on the amendment.

The question being the adoption of the amendment.

Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 31; Nays 15

AYES

Adams	Alexander	Allen
Bright	Chaplin	Climer
Corbin	Devine	Fernandez
Gambrell	Garrett	Goldfinch
Graham	Grooms	Hutto
Jackson	Kimbrell	Martin
Matthews	Ott	Peeler
Reichenbach	Rice	Sabb
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young		

Total--31

NAYS

Bennett	Blackmon	Campsen
Cash	Cromer	Davis
Elliott	Hembree	Johnson
Kennedy	Leber	Massey
Rankin	Stubbs	Zell

Total--15

The amendment was laid on the table.

Senators CASH and BRIGHT proposed the following amendment (SR-883.CEM0001S), which was tabled:

Amend the concurrent resolution, as and if amended, in subsection (B) by adding an appropriately numbered new item to read:

() receipt and consideration of S. 1095 and H. 4760;

Re-number sections to conform.

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Amend title to conform.

Senator CASH explained the amendment.

Senator GROOMS spoke on the amendment.

The question being the adoption of the amendment.

Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 16

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cromer	Davis	Devine
Graham	Grooms	Hembree
Hutto	Jackson	Johnson
Kimbrell	Martin	Massey
Matthews	Ott	Peeler
Rankin	Sabb	Sutton
Tedder	Turner	Walker
Williams	Young	Zell

Total--30

NAYS

Bright	Cash	Chaplin
Climer	Corbin	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Kennedy	Leber
Reichenbach	Rice	Stubbs
Verdin		

Total--16

The amendment was laid on the table.

The question then being concurrence with the House amendments.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 29; Nays 17

AYES

Adams	Alexander	Blackmon
Bright	Cash	Chaplin
Climer	Corbin	Cromer
Elliott	Fernandez	Gambrell
Garrett	Goldfinch	Grooms
Johnson	Kennedy	Kimbrell
Leber	Martin	Peeler
Rankin	Reichenbach	Rice
Stubbs	Turner	Verdin
Young	Zell	

Total--29

NAYS

Allen	Bennett	Campsen
Davis	Devine	Graham
Hembree	Hutto	Jackson
Massey	Matthews	Ott
Sabb	Sutton	Tedder
Walker	Williams	

Total--17

Having failed to receive the necessary vote, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 961 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-1705, RELATING TO CATCH LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE CATCH LIMIT FOR RED

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DRUM; BY AMENDING SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE SIZE LIMIT FOR RED DRUM; AND BY AMENDING SECTION 50-5-1700, RELATING TO EQUIPMENT FOR THE CATCHING OF SALTWATER GAME FISH, SO AS TO REQUIRE A NON-OFFSET, NON-STAINLESS STEEL CIRCLE HOOK WHEN USING A HANDHELD HOOK AND LINE AND A HOOK SIZE OF 4/0 OR LARGER.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator CAMPSER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 961 -- Senator Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-1705, RELATING TO CATCH LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE CATCH LIMIT FOR RED DRUM; BY AMENDING SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE SIZE LIMIT FOR RED DRUM; AND BY AMENDING SECTION 50-5-1700, RELATING TO EQUIPMENT FOR THE CATCHING OF SALTWATER GAME FISH, SO AS TO REQUIRE A NON-OFFSET, NON-STAINLESS STEEL CIRCLE HOOK WHEN USING A HANDHELD HOOK AND LINE AND A HOOK SIZE OF 4/0 OR LARGER.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator OTT explained the House amendments.

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Senator OTT proposed the following amendment (SMIN-961.MW0001S), which was adopted:

Amend the bill, as and if amended, SECTION 4.A., by striking Section 50-9-650(2)(a) and inserting:

(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued ~~two~~^{three} individual antlerless deer tags and ~~three~~^{two} unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Johnson
Kennedy	Leber	Martin
Massey	Matthews	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young		

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Total--43

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3768 -- Reps. Brewer, Gatch, Robbins, Schuessler, Sessions and Kirby: 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.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

HOUSE CONCURRENCE

S. 1157 -- Senator Rankin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF CATES BAY HIGHWAY FROM ITS INTERSECTION WITH HIGHWAY 134 TO ITS INTERSECTION WITH HIGHWAY 804 IN HORRY COUNTY "BOBBY LONG MARTIN HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

HOUSE CONCURRENCE

S. 1182 -- Senator Ott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRANTLEY LOMBR OF SANDHILLS

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PRIMARY SCHOOL IN SWANSEA AND TO CONGRATULATE HER UPON BEING CHOSEN AS AN EXTRAORDINARY EDUCATOR BY CURRICULUM ASSOCIATES.

Returned with concurrence.

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

AMENDED, HOUSE BILL RETURNED

H. 3569 -- Reps. M.M. Smith, Pope, Davis, Cobb-Hunter, Wetmore, Henderson-Myers, Erickson, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-40-350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE OFFENSES MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS; AND BY AMENDING SECTION 27-40-210, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS.

The Senate proceeded to consideration of the Bill.

Senator YOUNG proposed the following amendment (SJ-3569.SW0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-40-350(B) and inserting:

(B) A protected tenant must provide the landlord with written notice of the intent to terminate the protected tenant's obligations under a rental agreement within sixty days after a documented qualifying incident. The termination shall be effective on the date stated in the notice as long as it is at least thirty days after the landlord's receipt of the notice, unless the landlord consents in writing to ~~a later~~ an earlier date. The notice to the landlord must be accompanied by documentation of the qualifying incident such as a restraining order, an order of protection, or evidence of a conviction for domestic violence or abuse. The protected tenant must relinquish all legal rights of possession to the premises, but is still responsible for paying rent and other amounts owed, other than any fees imposed for early termination of the rental agreement.

Re-number sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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The amendment was adopted.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 42; Nays 4

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Cash	Chaplin	Climer
Cromer	Davis	Devine
Elliott	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Jackson
Johnson	Kennedy	Kimbrell
Leber	Martin	Matthews
Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder
Turner	Verdin	Walker
Williams	Young	Zell

Total--42

NAYS

Bright	Corbin	Fernandez
Massey		

Total--4

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4189--Reps. Davis and Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS ALL RELATING TO THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO THE RESTRUCTURING PROVIDED BY ACT 60 OF 2023; AND BY REPEALING SECTIONS 44-1-30, 44-1-40, 44-1-50, 44-3-110, 44-3-120, 44-3-130, 44-3-140, 44-7-310, 44-11-30, 44-11-40, 44-55-1320, 44-55-1330, 44-55-1350, 44-55-1360, 59-111-510, 59-111-520, 59-111-530, 59-111-540, 59-111-550, 59-111-560, 59-111-570, AND 59-111-580 ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL. (Abbreviated Title)

Recorded Vote

Senators CLIMER, BRIGHT and FERNANDEZ desired to be recorded as voting against the third reading of the Bill.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments.

H. 5164 -- Reps. Hewitt, Bannister, G.M. Smith and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-255 SO AS TO PROVIDE FOR FIRE AND BUILDING CODE EXCEPTIONS FOR PLACEMENT OF HOSPITAL BEDS IN HALLWAYS, CORRIDORS, OR OTHER MEANS OF EGRESS DURING JUSTIFIED EMERGENCIES.

H. 3335 -- Reps. Dillard, Spann-Wilder and Garvin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

Recorded Vote

Senator CORBIN desired to be recorded as voting against the third reading of the Bill.

CARRIED OVER

H. 4337 -- Reps. W. Newton and Bannister: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 2-15-130 SO AS TO GRANT SUBPOENA POWERS TO THE LEGISLATIVE AUDIT COUNCIL; BY AMENDING SECTION 2-15-40, RELATING TO THE QUALIFICATIONS FOR THE DIRECTOR OF THE LEGISLATIVE AUDIT COUNCIL, SO AS TO

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EXPAND THE PREREQUISITES FOR HOLDING THE POSITION OF DIRECTOR, AMONG OTHER CHANGES; BY AMENDING SECTION 2-15-61, RELATING TO ACCESS TO AGENCY RECORDS, SO AS TO EXPAND THE LEGISLATIVE AUDIT COUNCIL'S ACCESS TO RECORDS AND FACILITIES UPON REQUEST AND TO PROVIDE PENALTIES FOR FAILING TO COMPLY; AND BY AMENDING SECTION 2-15-120, RELATING TO THE CONFIDENTIALITY OF RECORDS, SO AS TO FURTHER DEFINE WHICH RECORDS ARE CONSIDERED CONFIDENTIAL AND TO REVISE THE DEFINITION OF "RECORDS."

On motion of Senator RANKIN, the Bill was carried over.

OBJECTION

H. 4709 -- Reps. Yow, C. Mitchell, M.M. Smith, Williams, Willis, Schuessler, Erickson, Bradley, Kirby, Brewer and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-35-5350 SO AS TO REQUIRE A PUBLIC ENTITY ENTERING INTO A CONTRACT FOR A PUBLIC WORKS PROJECT OR FOR THE PURCHASE OF MATERIALS FOR A PUBLIC WORKS PROJECT MUST INCLUDE IN THE CONTRACT A REQUIREMENT THAT ANY IRON OR STEEL PRODUCT PERMANENTLY INCORPORATED IN THE PROJECT BE PRODUCED IN THE UNITED STATES, AND TO PROVIDE EXCEPTIONS.

Senator HUTTO objected to consideration of the Bill.

HOUSE BILL RETURNED

H. 5113 -- Reps. Brewer, M.M. Smith, Guffey, B. Newton, Lawson, Sessions, Robbins, Gatch, Neese, Kirby, Waters, C. Mitchell, Yow, Atkinson, Forrest, Gagnon, Guest, Hayes, Herbkersman, Hiott, J.L. Johnson, Wooten, Chapman and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-735 SO AS TO PROHIBIT LOCAL GOVERNMENTS FROM PREVENTING THE CONTINUANCE OF LAWFUL NONCONFORMING USE OF PROPERTY WHEN A PREEXISTING MANUFACTURED HOME OR MOBILE HOME IS REPLACED WITH A NEW MANUFACTURED HOME OR MOBILE HOME, TO PROVIDE EXCEPTIONS, AND TO PROVIDE DEFINITIONS; AND BY AMENDING SECTION 23-43-85, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES; DISPLAY MODELS, SO AS TO PROVIDE THAT THE SECTION APPLIES TO

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ON-FRAME MODULAR HOMES AND TO REMOVE A FIVE-YEAR RESTRICTION ON DISPLAY MODELS BEING USED FOR RESIDENTIAL USE.

The Senate proceeded to consideration of the Bill.

The question being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Jackson
Johnson	Kennedy	Kimbrell
Leber	Martin	Massey
Matthews	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Walker	Williams	Young
Zell		

Total--46

NAYS

Total--0

The Bill was read the third time, passed and ordered returned to the House.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

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H. 4069 -- Reprs. Sessions, Magnuson and Wickensimer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-327 SO AS TO ESTABLISH CERTAIN REQUIREMENTS PERTAINING TO PATIENT BILLING FOR HEALTH SERVICES AND SUPPLIES.

**AMENDMENT RECONSIDERED AND TABLED
HOUSE BILL RETURNED**

H. 5122 -- Reprs. 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, Davis and Govan: 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.

The Senate proceeded to consideration of the Bill.

Motion Adopted

Senator RANKIN moved to reconsider the vote whereby the amendment was adopted on Thursday, May 7, 2026.

The motion was adopted.

Senator KIMBRELL proposed the following amendment (SR-5122.CEM0001S), which was reconsidered and tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 12-36-2120(79) of the S.C. Code is amended to read:

(79)(H) For purposes of this item, “taxpayer” includes a person who bears a relationship to the taxpayer as described in Section 267(b) of the Internal Revenue Code.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was reconsidered.

Senator RANKIN moved to lay the amendment on the table.

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The amendment was laid on the table.

The question being third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 35; Nays 8

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Campsen
Chaplin	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Johnson
Kennedy	Leber	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Tedder	Turner	Verdin
Walker	Williams	

Total--35

NAYS

Bright	Cash	Climer
Martin	Massey	Matthews
Sutton	Young	

Total--8

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the House.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 5208 -- Reps. B. Newton and Moss: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE THAT CERTAIN UNPREPARED FOODS, THAT

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MAY BE PURCHASED WITH FOOD COUPONS WHICH ARE EXEMPT FROM TAXES, ARE NOT LIMITED TO CERTAIN FEDERAL REGULATIONS.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4679 -- Reps. C. Mitchell, B.L. Cox, M.M. Smith, Wooten, Chapman, W. Newton, Herbkersman, Wickensimer, Guest, McCravy, Hartnett, Gilliard, Rivers and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA DRONE REGULATION AND PUBLIC SAFETY ACT" BY ADDING SECTION 55-1-110 SO AS TO ESTABLISH GUIDELINES FOR DRONE OPERATIONS, AND PENALTIES FOR UNLAWFUL DRONE USE.

READ THE SECOND TIME

H. 4303 -- Reps. Gatch, Cobb-Hunter, Sessions, M.M. Smith, Brewer, Rutherford, Gagnon, Guest, Guffey, Weeks, Hosey and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-620, RELATING TO TAX RATES ON PRODUCTS CONTAINING TOBACCO, SO AS TO TAX CIGARETTES FOR HEATING ONE AND ONE-QUARTER MILLS ON EACH CIGARETTE.

The Senate proceeded to consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

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AMENDED, READ THE SECOND TIME

H. 4000 -- Reps. M.M. Smith, Stavrinakis, B.L. Cox, Davis, Wetmore, Bustos, Teeple, Holman, Spann-Wilder, Kirby, Robbins, Landing, Hartnett, Brewer, Gilliard, Gatch, J. Moore, T. Moore, Murphy, W. Newton, Duncan and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-100, RELATING TO THE PERSONS ENTITLED TO BE LICENSEES OR PERMITTEES, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES; BY AMENDING SECTION 61-4-515, RELATING TO THE PERMIT FOR PURCHASE AND SALE FOR ON-PREMISES CONSUMPTION, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES; AND BY AMENDING SECTION 61-6-2016, RELATING TO THE BIENNIAL LICENSE FOR PURCHASE AND SALE FOR ON-PREMISES CONSUMPTION, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES.

The Senate proceeded to consideration of the Bill.

Senator JOHNSON proposed the following amendment (SJ-4000.SW0003S), which was withdrawn:

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

SECTION 1. Section 61-2-145 of the S.C. Code is amended to read:

Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement with an annual aggregate limit of at least one million dollars during the period of the ~~biennial~~ permit or license, ~~unless the person licensed or permitted to sell alcoholic beverages qualifies under the terms of a liquor liability risk mitigation program pursuant to subsection (E).~~ Failure to maintain this coverage during the entire period of the ~~biennial~~ permit or license constitutes grounds for suspension or revocation of the permit or license and is sufficient grounds for the department to seek an emergency revocation order as provided in Sections 12-60-1340 and 1-23-370(c). An insurance policy issued pursuant to this section must provide for minimum coverage of five hundred thousand dollars per occurrence giving rise to the claim ~~of at least fifty percent of the total aggregate limit, per occurrence, giving rise to the claim.~~

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(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o'clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement within thirty days of the lapse or termination.

(D) For the purposes of this section, the term "alcoholic beverages" means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

~~—(E) A person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, may qualify for liquor liability risk mitigation. A licensee or permittee qualifies if the licensee or permittee:~~

~~—(1) stops serving alcohol by twelve o'clock a.m. for the entire policy period;~~

~~—(2) has all employees who serve alcohol complete an alcohol server training course pursuant to Title 61, Chapter 3, within sixty days of employment in that capacity;~~

~~—(3) has less than forty percent of its total sales deriving from alcohol sales;~~

~~—(4) uses a forensic digital identification system that validates the identification of any person attempting to enter the premises between the hours of 12:00 a.m. and 4:00 a.m.; or~~

~~—(5) is a nonprofit organization which is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of United States Code, as amended, or the entity is engaging in a single event for which a Beer and Wine Special Event License or Liquor Special Event Permit is obtained.~~

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~~—(6) A licensee or permittee meeting the requirement of item (1) may reduce the required annual aggregate limit by two hundred and fifty thousand dollars. A licensee or permittee meeting the requirements of item (2), (3) or (4) may reduce the required annual aggregate limit by one hundred thousand dollars per item satisfied. A licensee or permittee meeting the requirements of item (5) may reduce the annual aggregate limit by five hundred thousand dollars. A licensee or permittee who has met the requirements of any combination of items (1)–(5) must receive the permitted reduction in the required annual aggregate limit for each item the licensee or permittee complies with provided a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, must at all times maintain coverage with an annual aggregate limit of at least three hundred thousand dollars during the entire period of the biennial permit or license.~~

~~—(7) Insurers must establish liquor liability mitigation measures and offer reasonable premium discounts for compliance therewith that reduce the risk to the general public associated with the service of on-premises consumption of alcohol.~~

~~(F)~~(E) Permittees and licensees selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. shall use a forensic digital identification system during those hours that validates the identification of any person at the point of sale or attempting to enter the premises as a patron. Selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. without the use of a forensic digital identification system during those hours is a violation of this subsection and must be punished:

(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit suspended for up to fourteen days, as determined by the department; and

(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit revoked.

~~(G)~~(F) For purposes of this section, the calculation of total sales shall include sales of alcohol sold for on-premises consumption and all food and nonalcoholic beverages sold on the premises where the alcohol is

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sold, including food and nonalcoholic beverages sold by third-party vendors.

SECTION 2. Section 61-6-4270 of the S.C. Code is amended to read:

Section 61-6-4270. (A) For violations of Articles 3, 5, 7, and 13 of this chapter, or of Chapter 21 or 33 of Title 12, and for a violation of any regulation pertaining to alcoholic liquors, the department may, in its discretion, impose a monetary penalty upon the holder of a liquor license in lieu of suspension or revocation, except as otherwise provided in Subsection (B).

___ In these cases, the amount of any penalty imposed must be determined within the limits prescribed in this section in each case by the department after a hearing as provided in the South Carolina Revenue Procedures Act and the Administrative Procedures Act. For these violations:

___ (1) retail liquor licensees are subject to a penalty of not less than one hundred dollars nor more than one thousand five hundred dollars; and

___ (2) wholesale liquor licensees are subject to a penalty of not less than five hundred dollars nor more than five thousand dollars.

___ The department in its discretion may suspend payment of a fine or a monetary penalty imposed under this section.

(B) Notwithstanding the penalties provided above, any licensee holding a license pursuant to this chapter, or a servant, agent, or employee of such a license holder who knowingly violates Section 61-6-1500(A)(1), Section 61-6-2220, or Section 61-6-2230, must be punished:

(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's alcohol license suspended for up to fourteen days, as determined by the department; and

(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's alcohol license revoked.

(C) If the department imposes a monetary penalty under this section which is not paid or a contested case hearing requested within thirty days after demand by the department, the license or licenses may be suspended or revoked by the department.

(D) Penalties provided for in this section by the department are in addition to any fines and penalties imposed upon the licensees by any court of competent jurisdiction for violation of the laws of this State.

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(E) Penalties provided for in this section must be paid to the State Treasurer for credit to the general fund of the State for public school use.

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

Re-number sections to conform.

Amend title to conform.

On motion of Senator JOHNSON, with unanimous consent, the amendment was withdrawn.

Senator ELLIOTT proposed the following amendment (SJ-4000.SW0004S), which was withdrawn:

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

SECTION 1. Section 61-2-145 of the S.C. Code is amended to read:

Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement with an annual aggregate limit of at least one million dollars during the period of the ~~biennial~~ permit or license, unless the person licensed or permitted to sell alcoholic beverages qualifies under the terms of a liquor liability risk mitigation program pursuant to subsection (E). Failure to maintain this coverage during the entire period of the ~~biennial~~ permit or license constitutes grounds for suspension or revocation of the permit or license and is sufficient grounds for the department to seek an emergency revocation order as provided in Sections 12-60-1340 and 1-23-370(c). An insurance policy issued pursuant to this section must provide for minimum coverage, per occurrence giving rise to the claim, of at least fifty percent of the total aggregate limit, ~~per occurrence, giving rise to the claim~~ but no more than five hundred thousand dollars.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o'clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

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(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement within thirty days of the lapse or termination.

(D) For the purposes of this section, the term "alcoholic beverages" means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

(E)(1) A person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, may qualify for liquor liability risk mitigation. A licensee or permittee qualifies if the licensee or permittee:

~~(1)(a)~~ stops serving alcohol by twelve o'clock a.m. for the entire policy period;

~~(2)(b)~~ has all employees who serve alcohol complete an alcohol server training course pursuant to Title 61, Chapter 3, within sixty days of employment in that capacity;

~~(3)(c)~~ has less than forty percent of its total sales deriving from alcohol sales;

~~(4)(d)~~ uses a forensic digital identification system that validates the identification of any person attempting to enter the premises between the hours of 12:00 a.m. and 4:00 a.m.; ~~or~~

~~(5)(e)~~ is a nonprofit organization which is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of United States Code, as amended; ~~or the entity is engaging in a single event for which a Beer and Wine Special Event License or Liquor Special Event Permit is obtained.~~

~~(f) is engaging in a single event for which a beer and wine special event license or a liquor special event permit is obtained.~~

~~(6)(2)~~ A licensee or permittee meeting the requirement of item (1)(a) may reduce the required annual aggregate limit by two hundred and fifty thousand dollars. A licensee or permittee meeting the requirements of ~~item~~ ~~items~~ ~~(2), (3) or (4)~~ (1)(b), (1)(c), or (1)(d) may reduce the required annual aggregate limit by one hundred thousand dollars per item satisfied. A licensee or permittee meeting the requirements of ~~item~~ ~~(5)~~ ~~items~~ (1)(e) or (1)(f) may reduce the annual

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aggregate limit by five hundred thousand dollars. A licensee or permittee who has met the requirements of any combination of items ~~(1)-(5)-(a)-(1)(e)~~ must receive the permitted reduction in the required annual aggregate limit for each item for which the licensee or permittee complies with provided. ~~A a~~ person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, must at all times maintain minimum coverage with an annual aggregate limit of at least three hundred thousand dollars, with at least fifty percent per occurrence of the total aggregate limit, during the entire period of the ~~biennial~~ permit or license, unless they are a special event license or permit holder. A special event license or permit holder who has met the requirements of any combination of items (1)(a) - (1)(d) and (1)(f) must receive the permitted reduction in the required aggregate limit for each item for which the special event licensee or permittee complies. A special event license or permit holder must at all times maintain minimum coverage with an aggregate limit of at least one hundred and fifty thousand dollars, with at least fifty percent per occurrence of the total aggregate limit, during the entire period of the license or permit.

~~(7)(F)~~ Insurers must establish liquor liability mitigation measures and offer reasonable premium discounts for compliance therewith that reduce the risk to the general public associated with the service of on-premises consumption of alcohol.

~~(F)(G)~~ Permittees and licensees selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. shall use a forensic digital identification system during those hours that validates the identification of any person at the point of sale or attempting to enter the premises as a patron. Selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. without the use of a forensic digital identification system during those hours is a violation of this subsection and must be punished:

(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit suspended for up to fourteen days, as determined by the department; and

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(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit revoked.

~~(G)~~(H) For purposes of this section, the calculation of total sales shall include sales of alcohol sold for on-premises consumption and all food and nonalcoholic beverages sold on the premises where the alcohol is sold, including food and nonalcoholic beverages sold by third-party vendors.

SECTION 2. Section 61-6-4270 of the S.C. Code is amended to read:

Section 61-6-4270. (A) For violations of Articles 3, 5, 7, and 13 of this chapter, or of Chapter 21 or 33 of Title 12, and for a violation of any regulation pertaining to alcoholic liquors, the department may, in its discretion, impose a monetary penalty upon the holder of a liquor license in lieu of suspension or revocation, except as otherwise provided in Subsection (B).

In these cases, the amount of any penalty imposed must be determined within the limits prescribed in this section in each case by the department after a hearing as provided in the South Carolina Revenue Procedures Act and the Administrative Procedures Act. For these violations:

— (1) retail liquor licensees are subject to a penalty of not less than one hundred dollars nor more than one thousand five hundred dollars; and

— (2) wholesale liquor licensees are subject to a penalty of not less than five hundred dollars nor more than five thousand dollars.

The department in its discretion may suspend payment of a fine or a monetary penalty imposed under this section.

(B) Notwithstanding the penalties provided above, any licensee holding a license pursuant to this chapter, or a servant, agent, or employee of such a license holder who knowingly violates Section 61-6-1500(A)(1), Section 61-6-2220, or Section 61-6-2230, must be punished:

(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's alcohol license suspended for up to fourteen days, as determined by the department; and

(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's alcohol license revoked.

(C) If the department imposes a monetary penalty under this section which is not paid or a contested case hearing requested within thirty days

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after demand by the department, the license or licenses may be suspended or revoked by the department.

(D) Penalties provided for in this section by the department are in addition to any fines and penalties imposed upon the licensees by any court of competent jurisdiction for violation of the laws of this State.

(E) Penalties provided for in this section must be paid to the State Treasurer for credit to the general fund of the State for public school use.

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

Renumber sections to conform.

Amend title to conform.

On motion of Senator ELLIOTT, with unanimous consent, the amendment was withdrawn.

Senator JOHNSON proposed the following amendment (SJ-4000.SW0006S), which was adopted:

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

SECTION 1. Section 61-2-145 of the S.C. Code is amended to read:

Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, except for a 501(c)(3) nonprofit corporation or a licensee or permittee engaging in a single event for which a beer and wine special event license or a liquor special event permit is obtained, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement with an annual aggregate limit of at least one million dollars during the period of the ~~biennial~~ permit or license, ~~unless the person licensed or permitted to sell alcoholic beverages qualifies under the terms of a liquor liability risk mitigation program pursuant to subsection (E).~~ A 501(c)(3) nonprofit corporation licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement with an annual aggregate limit of at least three hundred thousand dollars during the period of the permit or license. A licensee or permittee engaging in a single event for which a beer and wine special event license or a liquor special event permit is obtained must maintain minimum coverage with an aggregate limit of at least one hundred and fifty

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thousand dollars during the entire period of the license or permit. Failure to maintain this coverage during the entire period of the biennial-permit or license constitutes grounds for suspension or revocation of the permit or license and is sufficient grounds for the department to seek an emergency revocation order as provided in Sections 12-60-1340 and 1-23-370(c). An insurance policy issued pursuant to this section, except for an insurance policy issued to a 501(c)(3) nonprofit corporation or to a licensee for a beer and wine special event or a permittee for a liquor special event, must provide for minimum coverage of five hundred thousand dollars per occurrence giving rise to the claim of at least fifty percent of the total aggregate limit, per occurrence, giving rise to the claim.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on-premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on-premises consumption after five o'clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement within thirty days of the lapse or termination.

(D) For the purposes of this section, the term "alcoholic beverages" means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

~~—(E) A person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, may qualify for liquor liability risk mitigation. A licensee or permittee qualifies if the licensee or permittee:~~

~~—(1) stops serving alcohol by twelve o'clock a.m. for the entire policy period;~~

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~~— (2) has all employees who serve alcohol complete an alcohol server training course pursuant to Title 61, Chapter 3, within sixty days of employment in that capacity;~~

~~— (3) has less than forty percent of its total sales deriving from alcohol sales;~~

~~— (4) uses a forensic digital identification system that validates the identification of any person attempting to enter the premises between the hours of 12:00 a.m. and 4:00 a.m.; or~~

~~— (5) is a nonprofit organization which is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of United States Code, as amended, or the entity is engaging in a single event for which a Beer and Wine Special Event License or Liquor Special Event Permit is obtained.~~

~~— (6) A licensee or permittee meeting the requirement of item (1) may reduce the required annual aggregate limit by two hundred and fifty thousand dollars. A licensee or permittee meeting the requirements of item (2), (3) or (4) may reduce the required annual aggregate limit by one hundred thousand dollars per item satisfied. A licensee or permittee meeting the requirements of item (5) may reduce the annual aggregate limit by five hundred thousand dollars. A licensee or permittee who has met the requirements of any combination of items (1)–(5) must receive the permitted reduction in the required annual aggregate limit for each item the licensee or permittee complies with provided a person licensed or permitted to sell alcoholic beverages for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages for on-premises consumption, must at all times maintain coverage with an annual aggregate limit of at least three hundred thousand dollars during the entire period of the biennial permit or license.~~

~~— (7) Insurers must establish liquor liability mitigation measures and offer reasonable premium discounts for compliance therewith that reduce the risk to the general public associated with the service of on-premises consumption of alcohol.~~

~~(F)(E) Permittees and licensees selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. shall use a forensic digital identification system during those hours that validates the identification of any person at the point of sale or attempting to enter the premises as a patron. Selling alcoholic beverages for on-premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. without the use of a forensic digital identification system during those hours is a violation of this subsection and must be punished:~~

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(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit suspended for up to fourteen days, as determined by the department; and

(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's or permittee's alcohol license or permit revoked.

~~(G)~~(F) For purposes of this section, the calculation of total sales shall include sales of alcohol sold for on-premises consumption and all food and nonalcoholic beverages sold on the premises where the alcohol is sold, including food and nonalcoholic beverages sold by third-party vendors.

SECTION 2. Section 61-6-4270 of the S.C. Code is amended to read:

Section 61-6-4270. (A) For violations of Articles 3, 5, 7, and 13 of this chapter, or of Chapter 21 or 33 of Title 12, and for a violation of any regulation pertaining to alcoholic liquors, the department may, in its discretion, impose a monetary penalty upon the holder of a liquor license in lieu of suspension or revocation, except as otherwise provided in Subsection (B).

In these cases, the amount of any penalty imposed must be determined within the limits prescribed in this section in each case by the department after a hearing as provided in the South Carolina Revenue Procedures Act and the Administrative Procedures Act. For these violations:

(1) retail liquor licensees are subject to a penalty of not less than one hundred dollars nor more than one thousand five hundred dollars; and

(2) wholesale liquor licensees are subject to a penalty of not less than five hundred dollars nor more than five thousand dollars.

The department in its discretion may suspend payment of a fine or a monetary penalty imposed under this section.

(B) Notwithstanding the penalties provided above, any licensee holding a license pursuant to this chapter, or a servant, agent, or employee of such a license holder who knowingly violates Section 61-6-1500(A)(1), Section 61-6-2220, or Section 61-6-2230, must be punished:

(1) for a first offense, by a fine administered by the department in the amount of two thousand five hundred dollars;

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(2) for a second offense committed within two years of the commission of the first offense, by having the licensee's alcohol license suspended for up to fourteen days, as determined by the department; and

(3) for a third offense committed within three years of the commission of the first offense, by having the licensee's alcohol license revoked.

(C) If the department imposes a monetary penalty under this section which is not paid or a contested case hearing requested within thirty days after demand by the department, the license or licenses may be suspended or revoked by the department.

(D) Penalties provided for in this section by the department are in addition to any fines and penalties imposed upon the licensees by any court of competent jurisdiction for violation of the laws of this State.

(E) Penalties provided for in this section must be paid to the State Treasurer for credit to the general fund of the State for public school use.

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

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

The amendment was adopted.

Senator JOHNSON explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 45; Nays 0; Abstain 1

AYES

Adams	Alexander	Bennett
Blackmon	Bright	Campsen
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Devine	Elliott	Fernandez
Gambrell	Garrett	Goldfinch
Graham	Grooms	Hembree
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Martin	Massey	Matthews

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Ott	Peeler	Rankin
Reichenbach	Rice	Sabb
Stubbs	Sutton	Tedder
Turner	Verdin	Walker
Williams	Young	Zell

Total--45

NAYS

Total--0

ABSTAIN

Allen

Total--1

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4544 -- Reps. Jordan, W. Newton, M.M. Smith, B.L. Cox and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-32-220, RELATING TO NONECONOMIC DAMAGES LIMIT AND EXCEPTIONS, SO AS TO PROVIDE GUIDELINES FOR INTENT TO HARM, FELONY CONVICTIONS, AND INFLUENCE OF ALCOHOL AND OTHER DRUGS; BY AMENDING SECTION 15-78-30, RELATING TO DEFINITIONS FOR PURPOSES OF THE TORT CLAIMS ACT, SO AS TO REVISE THE MEANING OF "OCCURRENCE"; BY AMENDING SECTION 15-78-120, RELATING TO LIMITATION ON LIABILITY, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH THE LIMITATIONS MUST BE INCREASED OR DECREASED; AND BY AMENDING SECTION 33-56-180, RELATING TO LIMITED LIABILITY OF CHARITABLE ORGANIZATIONS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to consideration of the Bill.

Senator MASSEY explained the Bill.

The question being the second reading of the Bill.

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Motion Adopted

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 4670 -- Reps. W. Newton, C. Mitchell and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-1-350 SO AS TO ESTABLISH REQUIREMENTS FOR DEMANDS FOR PERSONAL INJURY, BODILY INJURY, PROPERTY DAMAGE, OR WRONGFUL DEATH.

The Senate proceeded to consideration of the Bill.

Senator JOHNSON explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator JOHNSON asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3558 -- Reps. Taylor, Pope, Hewitt, B. Newton, C. Mitchell, Yow, Oremus, Willis, Ligon and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 23 OF CHAPTER 1, TITLE 1, RELATING TO CALLS OR APPLICATIONS FOR CONSTITUTIONAL AMENDING CONVENTIONS MADE TO CONGRESS, SO AS TO RETITLE THE ARTICLE, AND TO ADD NEW SECTIONS TO DEFINE NECESSARY TERMS AND TO

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PROVIDE FOR THE QUALIFICATIONS, APPOINTMENT, OATH, AND DUTIES OF COMMISSIONERS APPOINTED TO REPRESENT THE STATE AT AN ARTICLE V CONVENTION, AMONG OTHER THINGS.

The Senate proceeded to consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

Recorded Vote

Senators BRIGHT and FERNANDEZ desired to be recorded as voting against the second reading of the Bill.

AMENDED, READ THE SECOND TIME

H. 4589 -- Rep. Gilliam: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-470, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO PROVIDE ADDITIONAL AUTHORIZATIONS.

The Senate proceeded to consideration of the Bill.

Senator BENNETT proposed the following amendment (SR-4589.KM0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 4-10-470(H)(3) and inserting:

(3) Notwithstanding Section 4-10-425, the ~~The~~ approving resolution required pursuant to Section 4-10-425 must be agreed to by a majority vote of the board of trustees of each school district located in the county adopted by the county's governing body.

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Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question being second reading of the Bill.

Motion Adopted

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Recorded Vote

Senators FERNANDEZ and LEBER desired to be recorded as voting against the second reading of the Bill.

AMENDMENT PROPOSED, READ THE SECOND TIME

H. 4706 -- Reprs. Rutherford, Neese, Chumley, Hartnett, Gilliard, Rivers and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-1-350 SO AS TO PROHIBIT CERTAIN RACING FACILITIES, UNDER CERTAIN CIRCUMSTANCES, FROM BEING SUBJECT TO NUISANCE AND TAKING CAUSES OF ACTION FROM A SURROUNDING LANDOWNER.

The Senate proceeded to consideration of the Bill.

Senator HEMBREE proposed the following amendment (SEDU-4706.DB0001S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 15-1-350(B) and inserting:

(B) A racing facility is not subject to any action brought by a surrounding property owner under any nuisance or taking cause of action if the developer of the racing facility obtained all permits required for construction of the racing facility, ~~and~~ established a vested right in the

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development of the property or contiguous group of properties where the racing facility is located and the development of such could have been discovered by a search of public documents or permits before the surrounding property owner either purchased the real property or constructed any building in the area of the racing facility.

Amend the bill further, SECTION 1, Section 15-1-350, by adding a subsection to read:

(E) This section does not apply if the racing facility makes a substantial and material expansion of operations that results in a significant increase in the overall intensity of use of the facility, including but not limited to a demonstrable increase in the number of racing event days beyond historical patterns of operation existing before a surrounding property owner either purchased the real property or constructed any building in the area of the racing facility.

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON explained the amendment.

The question being adoption of the amendment.

The amendment was proposed.

Motion Adopted

Senator JOHNSON asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

H. 5120 -- Reps. Cox, Garvin, Holman, T. Moore, Sessions, Wetmore, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-2020, RELATING TO CONFIDENTIALITY OF JUVENILE RECORDS, SO AS TO CLARIFY WHEN NOTICE ABOUT THE DISPOSITION OF A CASE AGAINST A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL,

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AND TO CLARIFY WHEN JUVENILE FINGERPRINT RECORDS AND PHOTOGRAPHS ARE TAKEN, HOW THESE RECORDS ARE MAINTAINED, AND THE CIRCUMSTANCES UNDER WHICH THESE RECORDS MAY BE TRANSMITTED TO ANOTHER AGENCY OR PERSON; AND BY AMENDING SECTION 63-19-2030, RELATING TO JUVENILE LAW ENFORCEMENT RECORDS, SO AS TO CLARIFY WHEN INCIDENT REPORTS ABOUT A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL.

On motion of Senator ADAMS, the Bill was carried over.

OBJECTION

S. 920 -- Senators Leber, Blackmon and Devine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 25 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE CIRCUMSTANCES THAT MUST BE CONSIDERED WHEN A HEALTH INSURER USES ARTIFICIAL INTELLIGENCE TO MAKE DETERMINATIONS RELATING TO PRIOR AUTHORIZATIONS, TO PROVIDE CERTAIN DISCLOSURES TO ENROLLEES, AND TO PROVIDE DISCIPLINARY ACTIONS FOR VIOLATIONS.

The Senate proceeded to consideration of the Bill.

Senator LEBER explained the Bill.

The question being the second reading of the Bill.

Senator ALEXANDER objected to further consideration.

AMENDED, READ THE SECOND TIME

H. 3570 -- Reps. Bannister, Spann-Wilder, W. Newton, C. Mitchell, Bowers and Calhoun: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-100, RELATING TO DEFINITIONS, SO AS TO AMEND "PUBLIC MEMBER" TO INCLUDE A PERSON NOMINATED AND APPOINTED TO A NONCOMPENSATED PART-TIME POSITION ON A BOARD, COMMISSION, OR COUNCIL; BY ADDING SECTION 8-13-1100 SO AS TO OUTLINE RESPONSIBILITIES FOR DISCLOSING ECONOMIC INTERESTS; BY AMENDING SECTION 8-13-1110, RELATING TO STATEMENTS OF ECONOMIC INTERESTS, SO AS TO ADDRESS AGENCY REQUIREMENTS FOR FILING

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DISCLOSURE FORMS; BY AMENDING SECTION 8-13-1170, SO AS TO PROVIDE THAT A PUBLIC MEMBER WHO FILES THE INITIAL STATEMENT OF ECONOMIC INTERESTS WITHIN TEN DAYS AFTER NOTICE FROM THE STATE ETHICS COMMISSION SHALL NOT BE IN VIOLATION OF CHAPTER 13, TITLE 8; AND BY AMENDING SECTION 8-13-1356, RELATING TO FILING DEADLINES FOR ECONOMIC INTERESTS STATEMENTS, SO AS TO PROVIDE WHEN CERTAIN CANDIDATES FOR ELECTIVE OFFICE MUST FILE A STATEMENT OF ECONOMIC INTERESTS.

The Senate proceeded to consideration of the Bill.

Senator BENNETT proposed the following amendment (SJ-3570.PB0005S), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 8-13-320(10)(g) of the S.C. Code is amended to read:

(g) All investigations, inquiries, hearings, and accompanying documents are confidential and only may be released pursuant to this section.

(i) After a dismissal following a finding of probable cause, except for dismissal pursuant to item (10)(b), or a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of dismissal.

(ii) After a finding of probable cause, except for a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of hearing. If a hearing is held on the matter, the final order and all exhibits introduced at the hearing shall become public record upon issuance of the final order by the commission. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. In the event a hearing is not held on a matter after a finding of probable cause, the final disposition of the matter becomes public record.

(iii) The commission shall redact the address, phone number, and email address of the complainant and respondent from the public record. The complainant shall not release the address, phone number, or email address of the respondent. The respondent shall not release the address, phone number, or email address of the complainant.

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(iv) The respondent or his counsel, by written notice, may waive the confidentiality requirement. The commission shall not accept any partial waivers.

(v) The wilful release of confidential information is a misdemeanor, and a person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.

SECTION X. Section 8-13-365 of the S.C. Code is amended to read:

Section 8-13-365. The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet-based filing system as prescribed by the commission. The information contained in the reports and disclosure forms, with the exception of specific addresses of individuals making campaign contributions, social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable. The city and state of an individual making a campaign contribution must be publicly accessible, searchable, and transferable.

SECTION X. Section 8-13-540(C) of the S.C. Code is amended to read:

(C)(1) All investigations, inquiries, hearings and accompanying documents are confidential and only may be released pursuant to this section.

(2)(a) Upon a recommendation of probable cause by the commission for a violation, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the commission's recommendation of probable cause.

(b) If the appropriate committee requests further investigation after receipt of the commission's report, documents only may be released if the commission's second report to the committee recommends a finding of probable cause.

(c) The commission and appropriate legislative ethics committee shall redact the address, phone number, and email address of the complainant and respondent from the public record. The complainant shall not release the address, phone number, or email address of the respondent. The respondent shall not release the address, phone number, or email address of the complainant.

SECTION X. Section 8-13-1366 of the S.C. Code is amended to read:

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Section 8-13-1366. Certified campaign reports must be made available for public inspection at the office of the State Ethics Commission, the Senate Ethics Committee, the House of Representatives Ethics Committee, and the county clerk of court within two business days of receipt. The commission, ethics committees, and county clerks of court shall redact the specific address of an individual making a campaign contribution, except the individual's city and state. The commission, ethics committees, and county clerks of court shall not require any information or identification as a condition of viewing a report or reports. The commission, ethics committees, and the county clerks of court must ensure that the reports are available for copying or purchase at a reasonable cost.

Amend the bill further, by striking SECTION 6 and inserting:

SECTION 6. ~~This act takes~~ The provisions of Section 8-13-320(10)(g) and Section 8-13-540(C) in this act take effect upon approval by the Governor. All other provisions of this act take effect six months after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

On motion of Senator BENNETT, with unanimous consent, Amendment No. 1-4 were withdrawn.

The question being the second reading of the Bill.

Motion Adopted

Senator BENNETT asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

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AMENDED, READ THE SECOND TIME

H. 4476 -- Reps. Rutherford, Bamberg, J. Moore, Herbkersman and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 ENTITLED "SOUTH CAROLINA-BAHAMAS TRADE COMMISSION" SO AS TO ESTABLISH THE SOUTH CAROLINA-BAHAMAS TRADE COMMISSION AND PROVIDE FOR ITS MEMBERSHIP AND PURPOSE.

The Senate proceeded to consideration of the Bill.

Senator DAVIS proposed the following amendment (LC-4476.SA0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 39-80-100(B) and inserting:

(B) The members of the commission must be appointed for terms of four years each and until their successors are appointed and qualify, except that the seven members appointed by the Governor shall serve initial terms of two years each, the four members appointed by the President of the Senate shall serve initial terms of three years each, and the four members appointed by the Speaker shall serve initial terms of four years each. Members may be reappointed, ~~and must include:~~

- ~~— (1) the Secretary of the Department of Commerce or his designee;~~
- ~~— (2) the Commissioner of Agriculture or his designee;~~
- ~~— (3) one representative from a state institution of higher education;~~
- ~~— (4) at least two members representing Bahamian Americans in South Carolina or Bahamian American communities; and~~
- ~~— (5) one representative from a South Carolina business organization or trade organization.~~

Amend the bill further, SECTION 1, by striking Section 39-80-100(D) and inserting:

(D) Members shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties, within the limits of funds ~~appropriated or otherwise~~ available to the commission.

Amend the bill further, SECTION 1, by striking Section 39-80-100(I) and inserting:

(I) The commission is authorized to raise funds through direct solicitation or fundraising events, alone or with other groups, and accept gifts, grants, and bequests to defray administrative expenses and carry out its purposes. No general fund appropriations shall be used to support commission operations or administration. Funds received shall be

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deposited with the State Treasurer and allocated to the Department of Commerce for these purposes. ~~The Department may use appropriated funds for Foreign Operations to support the commission if sufficient nonappropriated funds are unavailable.~~ Expenditures for administering the commission and fulfilling its purposes are exempt from the provisions of Title 11, Chapter 35 of the S.C. Code.

ReNUMBER sections to conform.
Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Jackson
Johnson	Kennedy	Kimbrell
Leber	Martin	Massey
Matthews	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Walker	Williams	Young
Zell		

Total--46

NAYS

Total--0

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There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

Recorded Vote

Senators YOUNG, BRIGHT and FERNANDEZ desired to be recorded as voting against the second reading of the Bill.

**COMMITTEE AMENDMENT WITHDRAWN
AMENDED, READ THE SECOND TIME**

H. 3510 -- Reps. Gilliam, Davis, M.M. Smith, Vaughan, Chapman, Kirby, Landing, Bustos, Yow, C. Mitchell, Hart, Williams, Luck, Gagnon and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-11-40, RELATING TO COUNTY VETERANS' AFFAIRS OFFICERS, SO AS TO PROVIDE THAT THE SECRETARY OF THE SOUTH CAROLINA DEPARTMENT OF VETERANS' AFFAIRS SHALL APPOINT ONE COUNTY VETERANS' AFFAIRS OFFICER FOR EACH COUNTY IN THE STATE AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL APPROPRIATE THE NECESSARY FUNDS FOR TWO FULL-TIME EMPLOYEES IN EACH COUNTY VETERANS' AFFAIRS OFFICE.

The Senate proceeded to consideration of the Bill.

Senators YOUNG, GAMBRELL and KIMBRELL proposed the following amendment (SR-3510.QG0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 25-11-40(B) and inserting:

(B) Subject to the recommendation of a majority of the Senators representing the county and a majority of the House members representing the county, the secretary shall appoint ~~a one~~ county veterans' affairs officer for each county in the State, whose term of office shall begin July first of each odd-numbered year and shall continue for a term of two years and until a successor shall be appointed. ~~Upon securing funding in the annual general appropriations act, the General Assembly shall provide for two full time employees in each county veterans' affairs office in each county.~~ Qualifications shall be determined by the county legislative delegation upon a majority vote of the Senators representing the county and a majority of the House members representing the county. A county veterans' affairs officer is ~~an at will employee of the department~~, subject to removal for cause at any time by

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~~the secretary~~, a majority of the Senators representing the county, and a majority of the House members representing the county.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 25-11-45 of the S.C. Code is amended to read:

Section 25-11-45. (A) Notwithstanding Section 1-30-110(4), a county veterans' affairs office must be funded with monies appropriated by the General Assembly for that purpose and payable directly to the County Treasurer's Office by the State Treasurer.

(B) Each county veterans' affairs office shall employ a minimum of two full-time equivalents, one of which may be the county veterans' affairs officer, to operate the office.

(C) Any county with a total veteran population of less than two thousand five hundred, as determined by the South Carolina Department of Veterans' Affairs, may apply to the Secretary for financial assistance to assist the county with a portion of the costs of complying with Section 25-11-45(B). Upon receipt of a county's written request for financial assistance and a showing of financial need by the county, the Secretary may grant funds to the county for the purpose of defraying the costs of complying with 25-11-45(B). The Secretary shall fund such grants at his discretion with approval from the South Carolina Senate Finance Committee Chairman, the South Carolina House of Representatives Ways and Means Committee Chairman, and the department's operational funds.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

Senator ALEXANDER proposed the following amendment (SR-3510.CEM0001S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. This act takes effect upon approval by the Governor and shall be repealed three years after taking effect.

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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The amendment was adopted.

On motion of Senator YOUNG, with unanimous consent, the committee amendment was withdrawn.

The question being the second reading of the Bill.

Motion Adopted

Senator YOUNG asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

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 Senate proceeded to consideration of the Bill.

Senator GARRETT proposed the following amendment (LC-4382.VR0004S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 44-53-398(4) and inserting:

(4)(a) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2), ~~or a manufacturer convicted of a violation of subsection (D)(4)~~ is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer ~~or manufacturer~~ must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

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(b) A manufacturer that violates subsection (D)(4) must be fined:

(i) for a first offense, not more than one thousand dollars and not less than five hundred dollars;

(ii) for a second offense, not more than five thousand dollars and not less than one thousand dollars; and

(iii) for a third or subsequent offense, not more than ten thousand dollars and not less than five thousand dollars.

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 46; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Jackson
Johnson	Kennedy	Kimbrell
Leber	Martin	Massey
Matthews	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton
Tedder	Turner	Verdin
Walker	Williams	Young
Zell		

Total--46

NAYS

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Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

H. 5217 -- Reps. Hixon, Haddon, Forrest and Luck: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-650, RELATING TO DEER HUNTING, SO AS TO INCREASE THE NUMBER OF ANTERLESS DEER TAGS AND DECREASE THE NUMBER OF ANTLERED DEER TAGS.

The Senate proceeded to consideration of the Bill.

Senator CHAPLIN proposed the following amendment (SR-5217.CEM0001S), which was withdrawn:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Article 3, Chapter 11, Title 50 of the S.C. Code is amended by adding:

Section 50-11-317. (A) For the purposes of this section, “doe” or “does” means a biologically female deer, not to include antlerless male deer or bucks.

(B) The open season for does is January second through January thirty-first.

(C) In all game zones, the department may issue individual tags for does, which must be used as prescribed by the department. These tags are valid statewide and must be possessed and used only by the individual to whom the tags are issued.

(D) It is unlawful to take, possess, or transport does, except as permitted by this section or otherwise provided by law. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty and not more than five hundred dollars or imprisoned not more than thirty days.

SECTION X. Article 1, Chapter 9, Title 50 of the S.C. Code is amended by adding:

Section 50-9-42. (A) For the privilege of hunting and taking does pursuant to Section 39-11-317, a person must obtain the required hunting license, any other required permits, and a set of special doe season tags from the department issued in the person's name.

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(B) Residents, including people under the age of sixteen, lifetime, and gratis licensees, may purchase up to three special doe season tags for five dollars per tag.

(C) Nonresidents may purchase up to two special doe season tags for fifteen dollars per tag.

(D) The department shall issue guidance to hunters who purchase special doe season tags indicating the distinction between does and antlerless deer pursuant to Section 50-11-317 and aiding in the identification of male and female deer in the field.

SECTION X. Section 50-9-650 of the S.C. Code is amended to read:

Section 50-9-650. (A)(1) For the privilege of hunting and taking deer on property with a Deer Quota Program permit, a person must obtain the required hunting license, any other required permits, and have access and authorization to utilize Deer Quota Program tags for the property on which the person is hunting.

(2) A landowner or lessee may apply to the Deer Quota Program for a permit at a cost of fifty dollars per land tract application. The applicant may request a quota for antlerless deer, antlered deer, or both antlered and antlerless deer. The department shall determine an appropriate number of Deer Quota Program tags for antlered and antlerless deer to be issued under each permit, and there is no cost for these tags.

(B)(1) For the privilege of hunting and taking deer on property without a Deer Quota Program permit, a person must obtain the required hunting license, any other required permits, and a set of individual deer tags from the department issued in the person's name.

(2)(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued ~~two~~ eight individual antlerless deer tags and three unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

— (i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; ~~and~~
— (ii) ~~additional individual antlerless deer tags for five dollars per tag.~~

(b) Fees for nonresident deer tags are as follows:

(i) fifty dollars for the first antlered deer tag and twenty dollars for each additional antlered deer tag up to a maximum of four tags; two of which must be an antler restriction individual antlered deer tag valid

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only for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread; and

(ii) ten dollars per individual antlerless deer tag.

(C) Upon issuing antlerless deer tags, the department shall print and distribute a card, brochure, or other literature as determined by the department encouraging hunters to take antlerless deer and featuring the words "Save Our Herd. Take a Doe."

Renumber sections to conform.

Amend title to conform.

Senator CHAPLIN explained the amendment.

The amendment was withdrawn.

Senator OTT proposed the following amendment (SMIN-5217.MW0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-9-650(2)(a) and inserting:

(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued ~~two~~three individual antlerless deer tags and ~~three~~two unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.

Renumber sections to conform.

Amend title to conform.

Senator OTT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

Senator YOUNG asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the

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provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

H. 5538 -- Reps. Pope, Herbkersman, G.M. Smith, Hartz, W. Newton, Jordan, Ligon, Oremus, Neese, Taylor, Hiott, Cromer, Gilreath, Morgan, Lastinger, Huff, Burns, Chumley, Beach, D. Mitchell, McCabe, Pedalino, Vaughan, Kilmartin, Gibson and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "GUARANTEE BANKING ACT" BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROVIDE FOR FAIRNESS AND TRANSPARENCY IN BANKING.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MADE SPECIAL ORDER

H. 4042 -- Reps. Kilmartin, White, Gilreath, Cromer, Guffey, Harris, Hager, McCravy, Edgerton, Terrible, 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.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

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MOTION ADOPTED

At 6:59 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

Message from the House

Columbia, S.C., May 12, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 831 -- Senators Grooms, Jackson, Kimbrell, Sutton and Bennett: A 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; TO DEVOLVE THE DUTIES OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION UPON THE SECRETARY 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 SECTIONS 11-43-140 AND 11-43-150, BOTH RELATING TO THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; AND TO

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MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 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, AND 57-1-370, ALL RELATING TO THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES REGARDING THE COMMISSION; BY REPEALING SECTIONS 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION; BY AMENDING SECTION 57-1-360, RELATING TO AUDITS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO SET FORTH CERTAIN REQUIREMENTS FOR THE CHIEF INTERNAL AUDITOR AND TO REQUIRE AN INDEPENDENT AUDIT OF THE DEPARTMENT EVERY FOUR YEARS; TO AMEND SECTION 57 3 20, RELATING TO THE DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH CERTAIN DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO AUTHORIZE PUBLIC-PRIVATE PARTNERSHIPS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND OTHER ENTITIES AND TO SET FORTH CERTAIN REQUIREMENTS; BY AMENDING SECTION 57-3-615, RELATING TO CERTAIN TOLLS AND USAGE CHARGES, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH TOLLS AND USAGE CHARGES MAY BE IMPOSED; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY UNDER THE 11TH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR CERTAIN ACTIONS OF THE DEPARTMENT OF TRANSPORTATION AND TO SPECIFY THE CIRCUMSTANCES FOR WAIVING IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH AGREEMENTS ARE ENFORCEABLE; BY ADDING SECTION 57-5-1345 SO AS TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES TO ADMINISTER AND COLLECT TOLLS AND USAGE CHARGES; BY AMENDING SECTIONS 57-5-820 AND 57-5-830,

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BOTH RELATING TO DEPARTMENT OF TRANSPORTATION PROJECTS AND MUNICIPALITIES, SO AS TO SET FORTH THE PROCESS BY WHICH A MUNICIPALITY MAY OBJECT TO THE PROJECT; BY AMENDING SECTIONS 57-5-1320, 57-5-1330, 57-5-1335, 57-5-1340, 57-5-1350, 57-5-1360, 57-5-1370, 57-5-1380, 57-5-1390, 57-5-1400, 57-5-1410, 57-5-1420, 57-5-1430, 57-5-1440, 57-5-1450, 57-5-1460, 57-5-1470, 57-5-1480, 57-5-1490, AND 57-5-1495, ALL RELATING TO TURNPIKE PROJECTS, SO AS TO CHANGE THE NAME OF SUCH PROJECTS TO CHOICE LANE FACILITIES, TO SPECIFY THE CIRCUMSTANCES UNDER WHICH CHOICE LANE FACILITIES MAY BE CONSTRUCTED, TO SPECIFY THE MANNER IN WHICH BONDS MAY BE ISSUED FOR SUCH CHOICE LANE FACILITIES PROJECTS, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 57-5-1710 SO AS TO SET FORTH THE REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION TO SELECT AND AWARD A CONTRACT TO A PHASED DESIGN-BUILD CONTRACTOR; BY ADDING SECTION 57-5-1720 SO AS TO AUTHORIZE THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO CERTAIN ROAD RESTRICTIONS ON LOCAL ROADS, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH RESTRICTIONS MAY BECOME EFFECTIVE; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE CONSOLIDATED PROCUREMENT CODE, SO AS TO SPECIFY THE EXEMPTION FOR THE DEPARTMENT OF TRANSPORTATION AND TO EXEMPT CERTAIN ROAD-RELATED ACQUISITIONS BY THE DEPARTMENT OF PUBLIC SAFETY; BY AMENDING SECTION 12-28-2740, RELATING TO "C" FUNDS, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING "C" FUND REVENUES; BY AMENDING SECTION 12-28-2920, RELATING TO THE CONSTRUCTION OF CERTAIN ROADS, SO AS TO SPECIFY THE USE OF USAGE CHARGE REVENUES; BY ADDING SECTION 57-5-1800 SO AS TO ESTABLISH THE POTHOLE MITIGATION PROGRAM FOR THE PUBLIC REPORTING OF POTHOLE LOCATIONS; AND BY ADDING SECTION 57-1-375 SO AS TO SET FORTH A PROCESS BY WHICH

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COUNTY-FUNDED PROJECTS MAY REPRIORITIZE THE STATEWIDE TRANSPORTATION PLAN WITHIN THE COUNTY.

Very respectfully,

Speaker of the House

Received as information.

**S. 831--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

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 57-3-615, 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

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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 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

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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 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

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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 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.

On motion of Senator GROOMS, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator GROOMS spoke on the report.

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The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Johnson
Kennedy	Leber	Martin
Massey	Matthews	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young		

Total--43

NAYS

Total--0

The Committee of Conference Report was adopted as follows:

The General Assembly, Columbia, S.C., May 08, 2026

The COMMITTEE OF CONFERENCE, to whom was referred:
S. 831 -- Senators Grooms, Jackson, Kimbrell, Sutton and Bennett: 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

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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 57-3-615, 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 NONESSENTIAL 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

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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 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

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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 SECTION 57-5-1480, RELATING TO THE PROVISION THAT IT IS LAWFUL FOR FIDUCIARIES AND SINKING FUND COMMISSIONS TO INVEST IN TURNPIKE BONDS, SO AS TO REMOVE THE STATE FISCAL ACCOUNTABILITY AUTHORITY AND INCLUDE THE RETIREMENT SYSTEM INVESTMENT COMMISSION; 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

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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 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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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, ~~the~~ 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.

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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 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.

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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:

(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

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(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 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:

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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 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

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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:

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:

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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 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

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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 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

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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 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 department ~~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

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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, 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.

(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

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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;

(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

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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~~

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~~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 operation 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 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

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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~~ predevelopment agreements, usage charge ~~services~~ service 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~~ 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~~ street, 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, 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 charges, charge-by-mail, and charge-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a 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 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, 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

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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 the 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~~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

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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~~ predevelopment 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~~ multiyear 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~~ 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

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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~~ 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), ~~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~~ 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 implement the provisions of this section.

~~(J) No toll or usage charge may be imposed on an existing roadway unless expressly authorized by the General Assembly. Any such structure must be disclosed before the execution of the agreement and must include rate limitations or other mechanisms to protect the public.~~

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 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-usage charge imposition is on managed or choice lane facilities designated as a choice lane facility under Article 9, Chapter 5.

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Title 57; or

(3) the 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 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) 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) Usage charges 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 or usage charges were imposed as of January 1, 2026.

SECTION 34. 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;

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(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 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

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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:

(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.

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 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 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~~usage charge billing, notice, enforcement actions, or registration renewal blocks authorized by law.

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(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 or usage charge administration and enforcement purposes; and
- (4) procedures to ensure data accuracy, error resolution, and due process protections for registered vehicle owners.

(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.

(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, 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

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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~~ 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;

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

(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, choice lane facilities;

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(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 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 agreement with the applicable county government. The department may utilize 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 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 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

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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.

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~~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 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 choice lane 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 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-choice lane facility ~~as defined in Section 57-5-1320~~, shall conduct the feasibility

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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~~ choice 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 charges, scheduled charges, variable charges, uniform 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 choice lane facilities, any two or more ~~turnpike~~ choice lane facilities;

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

~~5.~~ (5) To the extent permitted by a bond resolution, expend ~~turnpike~~ choice lane facility ~~or facilities~~ revenues in advertising the 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;

~~7.~~ (7) Establish ~~establish~~ a separate division to administer ~~turnpike~~ choice lane facilities and a separate ~~turnpike~~ choice lane 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~~ 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:

~~1.~~ (1) the ~~turnpike~~ choice lane facility proposed to be constructed or designated;

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

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choice lane 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~~ 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 facility~~ and possible future highways whose construction would have an adverse effect upon the ~~turnpike choice lane facility~~ revenues which would otherwise be derived by the proposed ~~turnpike choice lane 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 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 facility~~ account balances must be credited to the ~~turnpike choice lane facility~~ account as prescribed in the bond resolution.

(B) The bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the choice lane facility revenues. The 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

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powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the bonds and this fact must be plainly stated on the face of each 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.

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 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 ~~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 bonds must be paid from the proceeds of the sale of the bonds or choice lane 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.

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.

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~~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~~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 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 bonds;
- (4) the form or forms of the 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 bonds shall bear;
- (7) the specific purposes for which the bonds must be issued;
- (8) the purposes for which the proceeds of the 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 bonds and the proper operation and functioning of the choice lane facilities;
- ~~—(9) the method and conditions by which turnpike revenues from the~~

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~~turnpike facility so financed must be collected and utilized;~~

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

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

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

~~(12)~~ the conditions under which refunding 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~~ 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 choice lane facilities or the financing thereof through 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 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 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.

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

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State Treasurer that the estimated collection from the ~~sources of revenue~~ 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.

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~~ 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.

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

(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.~~

(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,~~

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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.

(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~~.

(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 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.

(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.

(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 charge~~ and administrative fees

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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 the 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

(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.

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

(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

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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 ~~toll~~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 ~~toll~~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 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 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~~charge pursuant to this section;

(b) the registration number of the vehicle involved in the ~~toll~~

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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-charge~~ 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-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. 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

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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.

(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.

(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-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 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;

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(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.

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~~ contractor 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 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

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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~~postcompletion 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

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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 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

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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-state's rights of way; technology related to operations within the state-state's 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 bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land surveying services;

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- (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 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

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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

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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 of 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 percent of a~~ A At least thirty-three percent of 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

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committee, at its discretion, may expend ~~up to seventy five percent of up to 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” 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.

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~~(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 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~~

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~~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 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.~~

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~~(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 (F)(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.

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~~—(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 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 Sections 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:

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

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(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

~~(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 applicable 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 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. Section 57-5-1370 of the S.C. Code is amended to read:

Section 57-5-1370. ~~Turnpike bonds~~ Bonds may be issued from time to

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time under the conditions prescribed by this article.

SECTION 48. 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 49. Chapter 1, Title 57 of the S.C. Code is amended by adding:

Section 57-1-375. (A) Upon notification from a county that the county has appropriated funds for projects to improve the state highway system, the department must review the priority list for projects to be undertaken pursuant to Section 57-1-370(B)(8) to see if the projects proposed by the county are also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(B) The department shall provide certification within ninety days to the county if a project proposed to be funded from funds appropriated by that county is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(C) In the event the county funds in its entirety a project certified by the department pursuant to subsection (B), the department shall reprioritize the next project within that county that is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8) in place of the project funded by the county. This subsection does not apply to bridges that are closed, load posted, or structurally deficient.

SECTION 50. Article 9, Chapter 5, Title 57 of the S.C. Code is redesignated "Choice Lane Facilities."

SECTION 51. 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.

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SECTION 52. 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 53. (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, 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).

Amend title to read:

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; TO DEVOLVE THE DUTIES OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION UPON THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION; BY AMENDING SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF

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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 SECTIONS 11-43-140 AND 11-43-150, BOTH RELATING TO THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; AND TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 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, AND 57-1-370, ALL RELATING TO THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES REGARDING THE COMMISSION; BY REPEALING SECTIONS 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION; BY AMENDING SECTION 57-1-360, RELATING TO AUDITS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO SET FORTH CERTAIN REQUIREMENTS FOR THE CHIEF INTERNAL AUDITOR AND TO REQUIRE AN INDEPENDENT AUDIT OF THE DEPARTMENT EVERY FOUR YEARS; TO AMEND SECTION 57-3-20, RELATING TO THE DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH CERTAIN DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO AUTHORIZE PUBLIC-PRIVATE PARTNERSHIPS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND OTHER ENTITIES AND TO SET FORTH CERTAIN REQUIREMENTS; BY AMENDING SECTION 57-3-615, RELATING TO CERTAIN TOLLS AND USAGE

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CHARGES, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH TOLLS AND USAGE CHARGES MAY BE IMPOSED; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY UNDER THE 11TH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR CERTAIN ACTIONS OF THE DEPARTMENT OF TRANSPORTATION AND TO SPECIFY THE CIRCUMSTANCES FOR WAIVING IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH AGREEMENTS ARE ENFORCEABLE; BY ADDING SECTION 57-5-1345 SO AS TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES TO ADMINISTER AND COLLECT TOLLS AND USAGE CHARGES; BY AMENDING SECTIONS 57-5-820 AND 57-5-830, BOTH RELATING TO DEPARTMENT OF TRANSPORTATION PROJECTS AND MUNICIPALITIES, SO AS TO SET FORTH THE PROCESS BY WHICH A MUNICIPALITY MAY OBJECT TO THE PROJECT; BY AMENDING SECTIONS 57-5-1320, 57-5-1330, 57-5-1335, 57-5-1340, 57-5-1350, 57-5-1360, 57-5-1370, 57-5-1380, 57-5-1390, 57-5-1400, 57-5-1410, 57-5-1420, 57-5-1430, 57-5-1440, 57-5-1450, 57-5-1460, 57-5-1470, 57-5-1480, 57-5-1490, AND 57-5-1495, ALL RELATING TO TURNPIKE PROJECTS, SO AS TO CHANGE THE NAME OF SUCH PROJECTS TO CHOICE LANE FACILITIES, TO SPECIFY THE CIRCUMSTANCES UNDER WHICH CHOICE LANE FACILITIES MAY BE CONSTRUCTED, TO SPECIFY THE MANNER IN WHICH BONDS MAY BE ISSUED FOR SUCH CHOICE LANE FACILITIES PROJECTS, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 57-5-1710 SO AS TO SET FORTH THE REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION TO SELECT AND AWARD A CONTRACT TO A PHASED DESIGN-BUILD CONTRACTOR; BY ADDING SECTION 57-5-1720 SO AS TO AUTHORIZE THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO CERTAIN ROAD RESTRICTIONS ON LOCAL

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ROADS, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH RESTRICTIONS MAY BECOME EFFECTIVE; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE CONSOLIDATED PROCUREMENT CODE, SO AS TO SPECIFY THE EXEMPTION FOR THE DEPARTMENT OF TRANSPORTATION AND TO EXEMPT CERTAIN ROAD-RELATED ACQUISITIONS BY THE DEPARTMENT OF PUBLIC SAFETY; BY AMENDING SECTION 12-28-2740, RELATING TO “C” FUNDS, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING “C” FUND REVENUES; BY AMENDING SECTION 12-28-2920, RELATING TO THE CONSTRUCTION OF CERTAIN ROADS, SO AS TO SPECIFY THE USE OF USAGE CHARGE REVENUES; BY ADDING SECTION 57-5-1800 SO AS TO ESTABLISH THE POTHOLE MITIGATION PROGRAM FOR THE PUBLIC REPORTING OF POTHOLE LOCATIONS; AND BY ADDING SECTION 57-1-375 SO AS TO SET FORTH A PROCESS BY WHICH COUNTY-FUNDED PROJECTS MAY REPRIORITIZE THE STATEWIDE TRANSPORTATION PLAN WITHIN THE COUNTY.

/s/Senator Grooms

/s/Rep. Bannister

/s/Senator Bennett

/s/Rep. Erickson

/s/Senator Walker

/s/Rep. Brewer

On part of the Senate.

On part of the House.

, and a message was sent to the House accordingly.

**S. 831--REPORT OF COMMITTEE OF CONFERENCE
ENROLLED FOR RATIFICATION**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

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HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 454 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS PERTAINING TO CHARTER SCHOOLS, SO AS TO CHANGE REFERENCES FROM “SPONSOR” TO “AUTHORIZER” AND TO PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO EXEMPTIONS, SO AS TO REQUIRE A CHARTER SCHOOL TO POST THEIR ANNUAL AUDIT ON THEIR WEBSITE AND TO NOTIFY AND PROVIDE A COPY OF ANY EDUCATION MANAGEMENT CONTRACTS TO THE AUTHORIZER; BY AMENDING SECTION 59-40-55, RELATING TO AUTHORIZER POWERS AND DUTIES AND THE RETENTION OF FUNDS, SO AS TO REQUIRE THE AUTHORIZER TO ADOPT AND IMPLEMENT POLICIES, PROCEDURES, AND PRACTICES THAT ENSURE GOOD GOVERNANCE AND ACCOUNTABILITY; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER APPLICATIONS AND COMMITTEES, SO AS TO EXPAND THE CHARTER SCHOOL APPLICATION TO INCLUDE ANY PROPOSED CHARTER OR EDUCATION MANAGEMENT CONTRACTS CONTEMPLATED BY THE CHARTER SCHOOL; BY AMENDING SECTION 59-40-70, RELATING TO APPLICATION REQUIREMENTS AND PROCEDURES, SO AS TO SET A TIME FRAME TO HOLD A PUBLIC HEARING ON THE APPLICATION FOR A CHARTER SCHOOL; BY AMENDING SECTION 59-40-75, RELATING TO THE REMOVAL OF AN AUTHORIZER OR MEMBER OF A DISTRICT OR GOVERNING BOARD, SO AS TO REQUIRE THE GOVERNOR TO VACATE THE SEAT OF A MEMBER OF AN AUTHORIZER OR CHARTER SCHOOL GOVERNING BOARD WHO IS INDICTED FOR A CRIME; AND TO ALLOW THE GOVERNOR TO REMOVE A MEMBER FOR CHRONIC UNEXCUSED ABSENTEEISM, MEDICAL INCOMPETENCY, OR MEDICAL INCAPACITY; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS TO THE ADMINISTRATIVE LAW COURT, SO AS TO ALLOW AN APPEAL FOR ANY FINAL DECISION MADE PURSUANT TO THIS CHAPTER BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-115, RELATING TO TERMINATION OF A CONTRACT WITH AN AUTHORIZER, SO AS TO ALLOW A CHARTER SCHOOL TO TERMINATE ITS

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CHARTER AND CONTRACT WITH AN AUTHORIZER UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 59-40-150, RELATING TO THE DUTIES OF THE DEPARTMENT OF EDUCATION, SO AS TO ESTABLISH THE DUTIES OF THE DEPARTMENT OF EDUCATION TO SERVE AS THE STATE EDUCATION AGENCY FOR EACH AUTHORIZER AND ANNUALLY REVIEW THE POLICIES, PROCEDURES, AND PERFORMANCE OF EACH AUTHORIZER FOR COMPLIANCE; AND BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, SO AS TO CLARIFY THAT GUIDELINES WILL BE APPLICABLE TO NEW AUTHORIZERS AND CHARTER SCHOOLS.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-454.KG0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 59-40-40(12) and inserting:

(12) "Replication" means the approval of a new charter school application based on the same model as mission, academic model, instructional program, and operational structure of an existing charter school.

Amend the bill further, SECTION 2, by striking Section 59-40-50(B)(3) and inserting:

(3) adhere to the same financial laws and regulations, financial audits, audit procedures, and audit requirements as are applied to public schools, and post its annual budget, to include its operating budget, and audit on its website with other financial information required to be posted by law or regulation;

Amend the bill further, SECTION 3, by striking Section 59-40-55(A) and inserting:

(A) In order to promote the quality of charter school outcomes and oversight, the charter school sponsor-authorizer shall adopt national industry standards of quality charter schools and shall authorize and implement practices and implement policies, procedures, and practices

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to ensure good governance and accountability that are consistent with the authorizer's powers and duties as an LEA and as provided in this chapter. consistent with those standards.

Amend the bill further, SECTION 3, by striking Section 59-40-55(B)(14) and (15) and inserting:

(14) review and notify the charter schools of any noncompliance related to management organization contracts; and

(15) be subject to the ethics and government accountability requirements for public members and public employees in Chapter 13, Title 8. For purposes of this subsection, members of the authorizer's governing boards are considered public members, and employees of the authorizer's governing board are considered public employees;-

(16) be subject to Section 11-35-5340 of the South Carolina Consolidated Procurement Code or implements a procurement code which, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, is substantially similar to the provisions and purposes of the South Carolina Consolidated Procurement Code; and

(17) be subject to audits by the Legislative Audit Council. For the purpose of carrying out its audit duties, the Legislative Audit Council shall have access to the records and facilities of each authorizer during the authorizer's normal operating hours, and each authorizer must produce records requested by the Legislative Audit Council. The provisions contained in Chapter 15, Title 2, related to the Legislative Audit Council shall apply to audits conducted pursuant to this section.

Amend the bill further, SECTION 3, by striking Section 59-40-55(C) and inserting:

(C)(1) The South Carolina Public Charter School District may shall retain no more than two percent of the total non restricted state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. A public or independent institution of higher learning authorizer shall retain or contract to retain two percent of the total non restricted state appropriations for each charter school it authorizes to cover the costs for overseeing its charter schools. A statewide authorizer shall only retain or contract to retain two percent of the total state allocation distributed to charter schools, as appropriated annually through the state appropriations process, for each charter school it authorizes for the purpose of carrying out its oversight and administrative responsibilities. With approval by the Department of Education, An authorizer may offer additional services related to charter school operations to charter schools it sponsorsauthorizes.

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however the charter school shall be under no obligation to purchase those services from the authorizer. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post a list of those services and the cost of the service in a prominent place on the authorizer's website.~~–The sponsor's administrative fee amount retained by the authorizer does not include costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor/authorizer. The sponsor's fee is not applicable to federal money or grants received by the charter school. The amount authorizers may charge claim for administration of federal funded programs or grants is subject to the terms and conditions of the federal program or grant. The sponsor-authorizer shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling sponsor-authorizer obligations in accordance with this chapter.~~

(2) If the Department of Education determines an authorizer has violated this provision, a written notice of the alleged violation shall be provided to the authorizer. The authorizer shall have thirty calendar days from receipt of the notice to submit documentation and any other relevant evidence demonstrating the authorizer is in compliance with this provision. Upon a determination by the Department of Education that a violation has occurred, the State Superintendent of Education may (1) order reimbursement of improperly charged amounts to the charter schools, (2) revoke the authorizer's authority to charter or authorize schools, and all schools may apply to transfer to a different authorizer using to the process established by the Department of Education pursuant to Section 59-40-55(D), or (3) order other appropriate relief. The authorizer may file an appeal with the State Board of Education within thirty days of the decision by the State Superintendent of Education to revoke an authorizer's authority to authorize schools. After an appeal is filed, the State Board of Education must hold a public hearing regarding the appeal within fourteen days. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. The authorizer shall not demand or withhold any unspent appropriated funds held by or owed to a charter school that is transferring under the provisions of this section and may not charge fees associated with the school moving to another authorizer.

Amend the bill further, SECTION 4, by striking Section 59-40-60(H) and inserting:

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(H) Prior to November 1, 2026, The the Department of Education may shall develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter. The application for replication must focus on submission of data and information to demonstrate the prior record of the existing school and how such record will be repeated at the replicated school. No school that has received an overall rating of less than “Average” on the South Carolina School Report Card at any time during the preceding three years shall be eligible to apply for replication.

Amend the bill further, SECTION 5, by striking Section 59-40-70(B) and inserting:

(B) The board of trustees or area commission from which the applicant is seeking ~~sponsorship authorization~~ shall rule on the application for a charter school in a public hearing, upon reasonable public notice, ~~within ninety days after receiving the application. If there is no ruling within ninety days, the application is considered approved. Once~~ If the application ~~has been~~is approved by the board of trustees or area commission, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

Amend the bill further, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-40-140(G) of the S.C. Code is amended to read:

(G) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board of either a charter school or the authorizer if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants shall be coded pursuant to the Financial Accounting Handbook provided by the Department of Education, or as otherwise directed by the Department of Education, and must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3).

Section 59-40-140(J) of the S.C. Code is amended to read:

(J)(1) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by

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any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes. Charter schools may not hold property for any other purpose.

(2)(a) A charter school that enters a lease (“the Lease”) for a school facility (the “Lessee”) shall be granted an option to purchase the facility (the “Facility”) from the owner-lessor (the “Lessor”), provided that the Lessor is the charter school’s management company or an entity in which the management company possesses any ownership interest, whether direct or indirect. The option to purchase shall become exercisable no later than the fifth anniversary of the date of issuance of the original certificate of occupancy for the Facility. The Facility shall include the real property, buildings, other structures, fixtures, and any personal property subject to the Lease. The date upon which the option shall be available and a timeline for the purchase transaction to be completed within one hundred eighty days shall be included in the Lease (“Option Process”). In the event the Lease does not include the Option Process, then the Lessee may exercise the Option at any time by providing written notice to the Lessor and the process for completing the Option Process shall be no longer than one hundred eighty days from the date after Lessor receives the written notice. Exercise of the option shall be conditioned only upon the absence of any material defaults under the Lease by the charter school and upon the Lessee demonstrating the financial capacity to complete the purchase, which may include evidence of financing commitment or financing pre-approval from a lender. The Lessor may not require the Lessee to repay funds loaned from the Lessor to the Lessee for operation of the charter school as a condition of exercising the option.

(b) If the Lessee chooses to exercise the option to purchase the Facility, the Lessor shall sell the Lessee the Facility for a purchase price that shall be the greater of:

(i) the Lessor’s total investment in the Facility as evidenced by audited financial statements plus a compounded annual return of five percent; or

(ii) the fair market value as determined by the average of three Uniform Standards of Professional Practice (USPAP) compliant appraisals completed by South Carolina licensed appraisers with experience in educational properties. One appraisal shall be obtained by the Lessee, one appraisal shall be obtained by the Lessor, and the third appraisal shall be selected by mutual agreement. If the parties are unable to agree on a third-party appraiser within ten days of the Lessee’s written

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notice of intent to exercise the option, the third appraiser shall be appointed by the South Carolina Real Estate Appraisers Board.

(c) If the Lessee declines to exercise the option on the date identified in the Lease, then the option shall automatically renew on the fifth anniversary of the date set forth in the Lease if the Facility is leased by the Lessee.

Amend the bill further, SECTION 10, by striking Section 59-40-155(A) and inserting:

(A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees or a charter school authorizer board of trustees after July 1, ~~2006~~2026, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the ~~State~~ Department of Education or an association approved by the department.

Amend the bill further, SECTION 10, Section 59-40-155, by adding a subsection to read:

(E) In addition to the orientation program provided by the Department of Education, each authorizer shall develop and implement an annual training program specifically designed for members of charter school governing boards. After the first year of taking office, a charter school board member must attend the annual training provided by the authorizer. The training program shall include information on laws, regulations, and fiduciary responsibilities that uniquely apply to charter schools and charter school authorizers. The Department of Education shall develop procedures for ensuring compliance with this section by both charter school board members and authorizers.

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Adams

Alexander

Allen

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Bennett	Blackmon	Bright
Campsen	Cash	Chaplin
Climer	Corbin	Cromer
Davis	Devine	Elliott
Fernandez	Gambrell	Garrett
Goldfinch	Graham	Grooms
Hembree	Hutto	Johnson
Kennedy	Leber	Martin
Massey	Matthews	Ott
Peeler	Rankin	Reichenbach
Rice	Sabb	Stubbs
Sutton	Tedder	Turner
Verdin	Walker	Williams
Young		

Total--43

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, it will adjourn to meet tomorrow morning at 10:30 A.M.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Hampton County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Hampton County:

Hon. Lakeshia X. Allen, P.O. Box 1299, Varnville, SC 29944

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Reappointment, Jasper County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Jasper County:

Hon. Jacqueline S. Lee, P.O. Box 61, Pineland, SC 29934

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator DEVINE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Priscilla Dianne Holmes of Columbia, S.C. Priscilla served her country for over twenty-two years in the United States Army where she completed extensive and advanced training including the Advanced Leaders Course, Battle Staff Course, Drill Sergeant School, First Sergeants Course and numerous other specialized programs. She received the Meritorious Service Medal, Joint Service Commendation Medal and Army Achievement Medal to mention a few. Priscilla was a Bible study teacher, Sunday School teacher, Vacation Bible School instructor and was a member of the Young Women's Christian Council. She was a two-time winner of the South Carolina Ecclesiastical Jurisdictional Bible Portrayal and worked with the Journey to Compassion Mission Team. Priscilla was a loving mother and sister who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators MATTHEWS, ALEXANDER, ALLEN, BENNETT, BLACKMON, BRIGHT, CAMPSER, CHAPLIN, CORBIN, CROMER, DAVIS, DEVINE, ELLIOTT, FERNANDEZ, GAMBRELL, GARRETT, GOLDFINCH, GRAHAM, GROOMS, HEMBREE, HUTTO, JACKSON, JOHNSON, KENNEDY, KIMBRELL, LEBER, MARTIN, MASSEY, OTT, PEELER, RANKIN, REICHENBACH, RICE, SABB, STUBBS, SUTTON, TEDDER, TURNER, VERDIN, WALKER, WILLIAMS, YOUNG and ZELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ted Turner of Atlanta, GA. Ted was most known for the founding of CNN and many other Turner networks including Cartoon Network, TNT and TCM. He donated money to save imperiled and endangered species and was an environmentalist. Ted was a loving father who will be dearly missed.

ADJOURNMENT

At 7:14 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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