

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

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4 AMENDED

5 May 26, 2010

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S. 1298

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Introduced by Senator McGill

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11 S. Printed 5/26/10--H.

12 Read the first time April 29, 2010.

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A BILL

TO AMEND SECTION 56-5-70 OF THE 1976 CODE,
RELATING TO THE REGULATION OF TRAFFIC ON
HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF
FROM REGULATIONS DURING TIMES OF EMERGENCY.

Amend Title To Conform

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

SECTION 1. Section 56-5-70 of the 1976 Code is amended to
read:

“Section 56-5-70. (A) Notwithstanding any provision of this
chapter or any other provision of law, during a state of emergency
declared by the Governor and for thirty days thereafter,
requirements relating to registration, permitting, length, width,
weight, load, and time of service are suspended for commercial
and utility vehicles that do not exceed a gross weight of ninety
thousand pounds and a width of twelve feet responding to the state
of emergency. All vehicles operated upon the public highways of
this State under the authority of this section must:

- (1) be operated in a safe manner;
- (2) maintain required limits of insurance;
- (3) be clearly identified as a utility vehicle or provide
appropriate documentation indicating it is a commercial vehicle
responding to the emergency.

(B) When an emergency is declared which triggers relief from
regulations pursuant to 49 CFR 390.23 in North Carolina or
Georgia, an emergency, as referenced in the regional emergency
provision of 49 CFR 390.23(a)(1)(A), must be declared in this
State by the Governor.

1 (C) A declaration of emergency in this State, as described in
2 subsection (B), must not be terminated prior to the termination of
3 the declarations of emergencies in North Carolina and Georgia or
4 the thirtieth day after the initial declaration of emergency in this
5 State, whichever is less.

6 (D) A declaration of emergency in this State that triggers relief
7 from regulations pursuant to 49 CFR 390.23 must be effective for
8 no less than fourteen days prior to its termination. Unless the
9 initial declaration of emergency contains a termination date, the
10 order may not be terminated until the passage of seven days after
11 notification of the date of termination is issued or the passage of
12 thirty days after the initial declaration of the emergency, whichever
13 is less. If termination of the declaration of emergency is to occur
14 prior to the passage of thirty days after the initial declaration of
15 emergency, the declaration of emergency must be terminated at
16 11:59 p.m. on a Friday.”

17 (E) Only when an emergency is declared which triggers the
18 provisions of this section may speed or traffic cameras be used. A
19 person who receives a ticket pursuant to a violation of traffic laws
20 captured on speed or traffic cameras must be served in person with
21 notice of the violation. Revenue collected pursuant to a violation
22 of this section must be deposited in the general fund.

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24 SECTION 2. Section 56-3-115 of the 1976 Code is amended to
25 read:

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27 “Section 56-3-115. The owner of a vehicle commonly known as
28 a golf cart, if he has a valid driver’s license, may obtain a permit
29 from the Department of Motor Vehicles upon the payment of a fee
30 of five dollars and proof of financial responsibility which permits
31 his agent, employees, or him to:

32 (1) operate the golf cart on a secondary highway or street
33 within two miles of his residence or place of business during
34 daylight hours only. When the owner’s residence is located within
35 a gated community the two-mile limit must be measured from the
36 community’s primary entrance; and

37 (2) cross a primary highway or street while traveling along a
38 secondary highway or street within two miles of his residence or
39 place of business during daylight hours; and

40 (3) operate a golf cart along a secondary highway or street on a
41 sea island whose total area is greater than seven square miles, but
42 less than ten square miles. As contained in this section, ‘gated
43 community’ means any homeowners’ community with at least one

1 controlled access ingress and egress which includes the presence of
2 a guard house, a mechanical barrier, or another method of
3 controlled conveyance. A golf cart may cross a secondary
4 highway whose maximum speed limit is at least forty-five miles an
5 hour only at the location of a traffic control device.”

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7 SECTION 3. Section 56-3-115 of the 1976 Code, as last amended
8 by Act 333 of 2003, is further amended to read:

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10 “Section 56-3-115. (A) The owner of a vehicle commonly
11 known as a golf cart, if he has a valid driver’s license, may obtain
12 a permit from the Department of Motor Vehicles upon the payment
13 of a fee of five dollars and proof of financial responsibility which
14 permits his agent, employees, or him to:

15 (1) operate the golf cart on a secondary highway or street
16 within ~~two~~ five miles of his residence or place of business during
17 daylight hours only; and

18 (2) cross a primary highway or street while traveling along a
19 secondary highway or street within two miles of his residence or
20 place of business during daylight hours only.

21 (B) Notwithstanding the provisions of subsection (A)(1), if an
22 emergency is declared which triggers relief from regulations
23 pursuant to 49 CFR 390.23 in North Carolina or Georgia, and an
24 emergency, as referenced in the regional emergency provision of
25 49 CFR 390.23(a)(1)(A), is declared in this State by the Governor,
26 then a person may only operate a golf cart on a secondary highway
27 or street within two miles of the person’s residence or place of
28 business during daylight hours only.”

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30 SECTION 4. This act takes effect upon approval by the Governor.

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