**South Carolina General Assembly**

125th Session, 2023-2024

**A202, R216, H4601**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Forrest

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Introduced in the House on January 9, 2024

Introduced in the Senate on March 27, 2024

Currently residing in the House

Governor's Action: May 21, 2024, Signed

Summary: Transportation of farm products, exceptions

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time (House Journal‑page 95)

 1/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 95)

 3/20/2024 House Committee report: Favorable **Education and Public Works** (House Journal‑page 10)

 3/21/2024 Scrivener's error corrected

 3/26/2024 House Read second time (House Journal‑page 17)

 3/26/2024 House Roll call Yeas-105 Nays-0 (House Journal‑page 17)

 3/27/2024 House Read third time and sent to Senate (House Journal‑page 14)

 3/27/2024 Senate Introduced and read first time (Senate Journal‑page 6)

 3/27/2024 Senate Referred to Committee on **Transportation** (Senate Journal‑page 6)

 4/17/2024 Senate Committee report: Favorable **Transportation** (Senate Journal‑page 60)

 5/8/2024 Senate Read second time (Senate Journal‑page 84)

 5/9/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 59)

 5/9/2024 Senate Roll call Ayes-42 Nays-0 (Senate Journal‑page 59)

 5/9/2024 House Non-concurrence in Senate amendment (House Journal‑page 120)

 5/9/2024 House Roll call Yeas-0 Nays-103 (House Journal‑page 121)

 5/9/2024 Senate Senate recedes from amendment (Senate Journal‑page 61)

 5/9/2024 House Ordered enrolled for ratification (House Journal‑page 165)

 5/15/2024 Ratified R 216

 5/21/2024 Signed By Governor

 5/29/2024 Effective date 05/21/24

 5/29/2024 Act No. 202

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4601_20231116.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4601_20240320.docx)

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4601_20240321.docx)

[04/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4601_20240417.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4601_20240501.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(A202, R216, H4601)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑5‑4100, RELATING TO PREVENTING ESCAPE OF MATERIALS LOADED ON VEHICLES AND CLEANING THE HIGHWAYS OF ESCAPED SUBSTANCES OR CARGO, SO AS TO INCORPORATE THE PROVISIONS OF SECTION 56‑5‑4110 TO CLARIFY THE EXCEPTIONS FOR TRANSPORTATION OF CERTAIN FARM PRODUCTS AND MATERIALS; AND BY REPEALING SECTION 56‑5‑4110 RELATING TO THE REQUIREMENTS THAT LOADS AND COVERS MUST BE FIRMLY ATTACHED.

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

Exceptions for transportation of certain farm products and materials

SECTION 1. Section 56‑5‑4100 of the S.C. Code is amended to read:

 Section 56‑5‑4100. (A) No vehicle may be driven or moved on any public highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle, except that sand, salt, or other chemicals may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in the cleaning or maintaining of the roadway by the public authority having jurisdiction.

 (B) Trucks, trailers, or other vehicles when loaded with rock, gravel, stone, or other similar substances which could blow, leak, sift, or drop must not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point; or, if the load is not level, unless the height of the sides of the load against all four walls does not extend above a horizontal line six inches below their tops, and the highest point of the load does not extend above their tops, when loaded at the loading point; or, if not so loaded, unless the load is securely covered by tarpaulin or some other suitable covering; or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping from the vehicle. This subsection also includes the transportation of garbage or waste materials to locations for refuse in this State.

 (C) The loader of the vehicle and the driver of the vehicle, in addition to complying with the other provisions of this section, shall sweep or otherwise remove any loose gravel or similar material from the running boards, fenders, bumpers, or other similar exterior portions of the vehicle before it is moved on a public highway.

 (D) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

 (E) Any person operating a vehicle from which any substances or cargo, excluding water, have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public highway, shall make every reasonable effort to immediately cause the public highway to be cleaned of all substances and shall pay any costs for the cleaning.

 If the person does not make every reasonable effort to clean the public highway promptly, the Department of Transportation or any law enforcement officer may, without the consent of the owner or carrier of the substance or cargo, remove or have removed the substance from the public highway if the substance or cargo is blocking the public highway or endangering public safety. The State, its political subdivisions, and their officers and employees are not liable for any damages to the substance or cargo that may result from the removal or the disposal of the substance or cargo unless the removal or disposal was carried out recklessly or in a grossly negligent manner. The State, its political subdivisions, and their officers and employees are not liable for any damages or claims of damages that may result from the failure to exercise any authority granted under this section. The owner, driver of the vehicle, or motor carrier of the substance or cargo removed under this subsection shall bear all reasonable costs of its removal and subsequent storage or disposition.

 Nothing in this section bars a claim for damages.

  (F) Any person who violates the provisions of subsections (B), (C), (D), or (E) is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars.

  (G) The provisions contained in subsections (A), (B), (C), (D), and (E) are not applicable to and do not restrict the transportation of seed cotton, soybeans, tobacco, poultry, livestock or silage, or other feed grain used in the feeding of poultry or livestock or of paper, wastepaper utilized for the manufacture of industrial products, paper products, forest products, or textile products.

Repeal

SECTION 2. Section 56‑5‑4110 of the S.C. Code is repealed.

Time effective

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

Ratified the 15th day of May, 2024.

Approved the 21st day of May, 2024.

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