**South Carolina General Assembly**

119th Session, 2011-2012

**A252, R280, S1375**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Hutto and Ford

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Introduced in the Senate on March 27, 2012

Introduced in the House on April 26, 2012

Last Amended on May 30, 2012

Passed by the General Assembly on June 5, 2012

Governor's Action: June 18, 2012, Signed

Summary: Controlled access highways

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/27/2012 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj%20archive\2012\03-27-12.docx))

3/27/2012 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 7](file:///h:\sj%20archive\2012\03-27-12.docx))

4/19/2012 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 7](file:///h:\sj%20archive\2012\04-19-12.docx))

4/24/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 30](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Read second time ([Senate Journal‑page 30](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Roll call Ayes‑38 Nays‑2 ([Senate Journal‑page 30](file:///h:\sj%20archive\2012\04-24-12.docx))

4/25/2012 Scrivener's error corrected

4/25/2012 Senate Amended ([Senate Journal‑page 25](file:///h:\sj%20archive\2012\04-25-12.docx))

4/25/2012 Senate Read third time and sent to House ([Senate Journal‑page 25](file:///h:\sj%20archive\2012\04-25-12.docx))

4/26/2012 House Introduced and read first time ([House Journal‑page 24](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Referred to Committee on **Education and Public Works** ([House Journal‑page 24](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 Scrivener's error corrected

5/23/2012 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 9](file:///h:\hj%20archive\2012\05-23-12.docx))

5/30/2012 House Amended ([House Journal‑page 30](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Read second time ([House Journal‑page 91](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 91](file:///h:\hj%20archive\2012\05-30-12.docx))

5/31/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 22](file:///h:\hj%20archive\2012\05-31-12.docx))

6/5/2012 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 95](file:///h:\sj%20archive\2012\06-05-12.docx))

6/5/2012 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 95](file:///h:\sj%20archive\2012\06-05-12.docx))

6/12/2012 Ratified R 280

6/18/2012 Signed By Governor

6/25/2012 Effective date 06/18/12

6/27/2012 Act No. 252

**VERSIONS OF THIS BILL**

[3/27/2012](file:///p:\pprever\2011-12\1375_20120327.docx)

[4/19/2012](file:///p:\pprever\2011-12\1375_20120419.docx)

[4/24/2012](file:///p:\pprever\2011-12\1375_20120424.docx)

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[4/25/2012-A](file:///p:\pprever\2011-12\1375_20120425A.docx)

[4/26/2012](file:///p:\pprever\2011-12\1375_20120426.docx)

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[5/30/2012](file:///p:\pprever\2011-12\1375_20120530.docx)

(A252, R280, S1375)

**AN ACT TO AMEND SECTION 56‑5‑3860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF ANIMALS AND CERTAIN VEHICLES ON FREEWAYS, SO AS TO PROVIDE FOR AN EXEMPTION FOR BICYCLES AND PEDESTRIANS THAT MAY TRAVEL ALONG NONINTERSTATE FREEWAYS UNDER CERTAIN CIRCUMSTANCES.**

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

**Freeways**

SECTION 1. Section 56‑5‑3860 of the 1976 Code is amended to read:

“Section 56‑5‑3860. (A)(1) No person, unless otherwise directed by a law enforcement officer, shall occupy any space within the limits of the roadway and shoulders of the main facility of a freeway with an animal‑drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, a bicycle with motor attached, a motor‑driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or other farm machinery, except in the performance of public works or official duties.

(2) The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways.

(B)(1) A local governing body may authorize a partial exemption from the provisions contained in subsection (A) that would allow bicyclists and pedestrians to use the roadway and shoulders of the main facility of a noninterstate freeway.

(2) The local governing body may authorize a partial exemption to subsection (A) for bicyclists and pedestrians if the local governing body:

(a) determines that bicyclists and pedestrians have no other reasonably safe or viable alternative route and the use of the freeway route is at least ten percent less than the shortest conventional alternate route;

(b) adopts an ordinance allowing bicycle and pedestrian traffic on the shoulder of a main facility of the noninterstate freeway and allowing bicycle and pedestrian traffic on the roadway when utilizing the shoulder is not practicable because of an obstruction or an unpaved shoulder, or when necessary to cross an access ramp in compliance with accepted bicycle safety standards and practices; and

(c) notifies the department that the ordinance has been adopted.

(3) Upon receiving notice pursuant to item (B)(2)(c), the department shall remove all signs prohibiting pedestrians and bicyclists along the roadway and shoulders of the main facility of the portion of the freeway to which the ordinance applies.

(4) The local governing body may request permission from the department to erect appropriate signs and markers along the roadway and shoulders of the main facility of the portion of the freeway to which the partial exemption applies.

(5) Two or more local governing bodies that have jurisdiction over portions of a section of a roadway to which a partial exemption from the provisions contained in subsection (A) is proposed may authorize an exemption for the entire section if the local governing bodies affected by the proposed exemption formally agree to granting the exemption and each local jurisdiction completes the exemption procedure contained in this section for the portion of the roadway section that passes through its jurisdiction.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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