**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3442**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Pendarvis

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Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Education and Public Works**

Summary: Railroad car obstructing highway

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Education and Public Works**

1/8/2019 House Introduced and read first time ([House Journal‑page 241](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Education and Public Works** ([House Journal‑page 241](file:///h:\hj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3442_20181218.docx)

**A** **BILL**

TO AMEND SECTION 58‑17‑4080, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OBSTRUCTION OF A HIGHWAY BY A RAILROAD CAR, LOCOMOTIVE, OR OTHER OBJECT, SO AS TO INCREASE FINES, TO REMOVE CERTAIN NOTICE REQUIREMENTS, TO PROVIDE THAT EVERY TWO HOURS OF OBSTRUCTION CONSTITUTES AN ADDITIONAL OFFENSE AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Section 58‑17‑4080 of the 1976 Code is amended to read:

“Section 58‑17‑4080. (A) ~~If any~~ A person, including ~~any~~ a conductor of ~~any~~ a train of railroad cars or ~~any other~~ another agent or servant of ~~any~~ a railroad company, ~~shall~~ may not obstruct unnecessarily ~~any~~ a public road or highway by permitting ~~any~~ a railroad car or locomotive to be or remain upon or across ~~any~~ a street, public road, or highway for a longer period than five minutes~~, after notice to remove such cars has been given to the conductor, engineer, agent or other such person in charge of such train~~ or ~~shall permit~~ permits any timber, wood, or other obstruction to remain upon or across ~~any such~~ a street, road, or highway to the hindrance or inconvenience of ~~travelers or any person~~ persons passing along or upon ~~such~~ the street, road, or highway~~, every such person so offending shall forfeit and pay for every such offense any sum not exceeding twenty nor less than five dollars and shall be~~. A railroad company or a person, as defined in Section 58‑17‑10(4), whose railroad car, locomotive, or other object obstructed a street, public road, or highway in violation of the provisions of this section must be fined by the Public Service Commission five thousand dollars for each lane of the street, public road, or highway obstructed. If the violation occurs between the hours of 7:30 a.m. and 5:30 p.m., the fine must be increased to ten thousand dollars for each lane of a street, public road, or highway obstructed. In addition, the railroad company or person is liable for all damages arising to any highway, to be recovered by an action at the suit of the governing body of the county in which ~~such~~ the offense ~~shall have~~ has been committed or ~~any~~ a person suing ~~therefor~~ for damages, before ~~any~~ a magistrate within the county in which ~~such~~ the offense ~~shall have~~ has been committed or by indictment in the court of general sessions or suit in the court of common pleas. ~~All fines so accruing under the provisions of this section, when collected, shall be paid over by the magistrate to the county treasurer for the district in which such offense was committed.~~ Every ~~twenty‑four~~ two hours ~~such person, after being notified, shall suffer such obstructions to the hindrance or inconvenience of travelers or any person going along or upon such road or highway to continue~~ of obstruction ~~shall be deemed~~ constitutes an additional offense against the provisions of this section.

(B) The provisions of this section do not apply to obstruction of a public street, road, or highway by a continuously moving train or caused by circumstances wholly beyond the control of the railroad company, but do apply to other obstructions, including, but not limited to, those caused by stopped trains and trains engaged in switching, loading, or unloading operations.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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