~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 24, 2022

**H. 4618**

Introduced by Rep. Morgan

S. Printed 2/24/22--H.

Read the first time January 11, 2022.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4618) to amend Section 56‑5‑2720, Code of Laws of South Carolina, 1976, relating to requiring certain vehicles to stop before crossing any railroad tracks, so as, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking section 1 in its entirety and inserting:

/ SECTION 1. Section 56-5-2720 of the 1976 Code is amended to read:

“Section 56‑5‑2720. (A) Except as provided in subsection (B), the driver ~~of a school bus or a motor vehicle with a capacity of sixteen or more persons,~~ or operator of every bus transporting passengers, or a vehicle permitted by the Department of Health and Environmental Control to carry hazardous waste ~~and a vehicle described in regulations issued pursuant to subsection (C)~~, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

(B) ~~Except for school buses,~~ The provisions of this section do not apply at:

(1) a railroad grade crossing where traffic is controlled by a police officer or human flagman;

(2) a railroad grade crossing where traffic is regulated by a traffic‑control signal;

(3) a railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train when the gate or flashing signal does not indicate the approach of a train;

(4) a railroad grade crossing where an official traffic‑control device gives notice that the stopping requirement imposed by this section does not apply.

(C) For purposes of this section, a ‘bus’ is defined as:

(1) a motor vehicle designed or used to transport more than eight passengers, including the driver, for compensation; or

(2) a motor vehicle designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation.

(D) The provisions of Section 59-67-230 apply to school buses as defined in Section 56-5-190.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires all drivers or operators of buses transporting passengers, as well as other specified types of vehicles, to stop at railroad crossings. The term bus is defined, for purposes of §56-5-2720, as a motor vehicle designed or used to transport more than eight passengers for compensation or a motor vehicle designed or used to transport more than fifteen passengers without compensation. Currently, a driver of a school bus or a motor vehicle with a capacity of sixteen or more persons, among other specified vehicles, must stop at a railroad crossing. This bill modifies what vehicles that must stop at a railroad crossing.

This bill does not materially or fiscally alter the responsibilities of the DMV. Therefore, it will have no expenditure impact.

**Local Revenue**

This bill modifies what vehicles must stop at a railroad crossing. This may result in a change in the number of traffic tickets written due to the specified vehicles failing to stop at a railroad crossing. RFA anticipates that the potential change, if any, in the number of traffic tickets issued and processed in magistrates court will be minimal and would not generate additional revenue for local fines and fees. Therefore, RFA anticipates this bill will have no local revenue impact.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑5‑2720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUIRING CERTAIN VEHICLES TO STOP BEFORE CROSSING ANY RAILROAD TRACKS, SO AS TO REVISE THE TYPES OF VEHICLES SUBJECT TO THIS SECTION, AND TO DEFINE THE TERM “BUS”.

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

SECTION 1. Section 56‑5‑2720 of the 1976 Code is amended to read:

“Section 56‑5‑2720. (A) Except as provided in subsection (B), the driver ~~of a school bus or a motor vehicle with a capacity of sixteen or more persons,~~ or operator of every bus transporting passengers, or a vehicle permitted by the Department of Health and Environmental Control to carry hazardous waste ~~and a vehicle described in regulations issued pursuant to subsection (C)~~, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

(B) Except for school buses, the provisions of this section do not apply at:

(1) a railroad grade crossing where traffic is controlled by a police officer or human flagman;

(2) a railroad grade crossing where traffic is regulated by a traffic‑control signal;

(3) a railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train when the gate or flashing signal does not indicate the approach of a train;

(4) a railroad grade crossing where an official traffic‑control device gives notice that the stopping requirement imposed by this section does not apply.

(C) For purposes of this section, a ‘bus’ is defined as:

(1) a motor vehicle designed or used to transport more than eight passengers, including the driver, for compensation; or

(2) a motor vehicle designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation.”

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

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