**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3516**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rivers, Gilliard, Williams, Henegan, Hosey, Cobb-Hunter, Jefferson, Anderson and Kirby

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Maintenance of private roads

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

 1/10/2023 House Introduced and read first time (House Journal‑page 195)

 1/10/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 195)

 2/8/2023 House Member(s) request name added as sponsor:
 Gilliard, Williams, Henegan, Hosey,
 Cobb-Hunter, Jefferson, Anderson, Kirby

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3516_20221215.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 4‑1‑190 so as to provide conditions when a county may authorize the maintenance or improvement of private property.

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

SECTION 1. Chapter 1, Title 4 of the S.C. Code is amended by adding:

 Section 4‑1‑190. (A) No work may be performed on any roadway not already maintained by the county unless the county administrator or governing body determines that access to such roadway is necessary for the performance of one or more public functions, that the work would constitute a public purpose, and the following conditions exist:

 (1) the roadway is the only access for one or more property owners or residences;

 (2) emergency medical services, sheriff department vehicles, and other county vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one residence unless road scraping is performed; and

 (3) at least one of the properties to be accessed is used as a primary residence.

 (B) Any work performed pursuant to this section will be done on a one‑time basis. In such cases, the county’s department of public works is limited to the minimum improvements that will allow full and immediate access to the affected residences. Crusher run, gravel, pipe, or other materials will not be routinely provided.

 (C) The county administrator or governing body may direct the use of public resources if he makes a finding that such is necessary in the following circumstances:

 (1) in the event of a declared national or state emergency or natural disaster, such as flood, tornado, hurricane, earthquake, or other act of God or manmade disaster of similar consequences such as explosions, fires, pollution, or other dangerous conditions;

 (2) for use on borrow pits purchased, donated, or leased to the county for construction materials and roads providing access thereto;

 (3) to clean up, repair, or resurface property which has been damaged or altered by the parking, storage, or transporting of county equipment or materials;

 (4) to settle or compromise litigation that is threatened or filed because of a condition created by or for which the county is legally responsible or liable;

 (5) for temporary detours or bypasses while county‑maintained roads or bridges are being constructed, repaired, resurfaced, or maintained;

 (6) to aid municipalities, special purpose districts, and special tax districts within the county in the construction, repair, or maintenance of roadways or other projects located within municipal or district boundaries;

 (7) to provide minimally necessary ingress and egress when a public health or medical emergency exists or upon request and certification signed by a licensed medical doctor that an urgent medical need exists or by a licensed funeral director that a need exists for receiving or burial of a deceased person. Such determination shall be made at the sole discretion of either the prevailing fire chief within that district or the emergency management services director or his designee. The fire chief or emergency management services director is to furnish to the county administrator or governing body a statement showing the name of the property owner, the property address, the request and certification from the licensed professional, and the materials, labor, and equipment used within five business days of completing the work.

 (D) With the exception of the instances outlined in subsection (C), no county equipment may be used on private property or private road that services commercial property. Any county official or employee violating this section is subject to disciplinary action by the county administrator or governing body.

 (E) Nothing in this section shall be construed to limit or restrict the use of county equipment for county purposes as provided by law.

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

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