

## Session 115 - (2003-2004)

**H\*3778 (Rat #0409, Act #0286 of 2004) General Bill, By Herbkersman, Bailey, Bowers, Ceips, Clark, Clemons, Duncan, Gilham, Haskins, J. Hines, Hinson, Hosey, Littlejohn, Lloyd, Lourie, Mahaffey, Merrill, Miller, Moody-Lawrence, J.H. Neal, Pinson, E.H. Pitts, Richardson, Rivers, Sandifer, Scarborough, Simrill, Sinclair, Snow, Toole, Umphlett, Vaughn, Viers, White and Whitmire**

**Summary:** Drivers involved in accidents must avoid obstructing traffic

AN ACT TO AMEND SECTION 56-5-1210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF A DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT THAT RESULTS IN INJURY TO OR THE DEATH OF A PERSON, SO AS TO ALLOW THE DRIVER TO TEMPORARILY LEAVE THE SCENE OF THE ACCIDENT TO REPORT IT TO THE PROPER AUTHORITIES, TO PROVIDE THAT CERTAIN PERSONS MAY MOVE OR HAVE REMOVED FROM THE TRAVELED WAY ALL DISABLED VEHICLES, VEHICLES INVOLVED IN AN ACCIDENT, AND DEBRIS CAUSED BY A VEHICLE TRAFFIC COLLISION UNDER CERTAIN CIRCUMSTANCES WITHOUT INCURRING LIABILITY FOR DAMAGES TO A VEHICLE THAT RESULTS FROM ITS REMOVAL UNLESS THE REMOVAL WAS DONE IN A RECKLESS OR GROSSLY NEGLIGENT MANNER, TO ASSIGN THE REASONABLE COSTS OF REMOVAL TO CERTAIN PARTIES, AND TO PROVIDE THAT RECOVERY FROM AN AT FAULT PARTY IS NOT BARRED WHEN AN ACCIDENT IS CAUSED BY THE ACTIONS OF THAT PARTY; TO AMEND SECTION 56-5-1220, AS AMENDED, RELATING TO THE DUTIES OF A DRIVER INVOLVED IN AN ACCIDENT THAT RESULTS IN DAMAGE TO A VEHICLE WHICH IS DRIVEN OR ATTENDED BY A PERSON, SO AS TO DELETE THE TERM "COLLISION", TO PROVIDE THAT THE DRIVER MAY TEMPORARILY LEAVE THE ACCIDENT SCENE TO REPORT THE ACCIDENT TO THE PROPER AUTHORITIES, TO DELETE THE PROVISION THAT REQUIRES THAT THE DRIVER MUST STOP THE VEHICLE WITHOUT OBSTRUCTING TRAFFIC, TO PROVIDE A PROCEDURE FOR A DRIVER TO FOLLOW WHEN MOVING A DISABLED VEHICLE OR A VEHICLE INVOLVED IN AN ACCIDENT RESULTING ONLY IN DAMAGE TO A VEHICLE FROM A ROADWAY, AND TO PROVIDE THAT THE DRIVER OR ANY OTHER PERSON WHO MOVES THE VEHICLE IS NOT LIABLE OR AT FAULT REGARDING THE CAUSE OF THE ACCIDENT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT SIGNS MAY BE ERECTED ALONG HIGHWAYS AND STREETS THAT INSTRUCT THE PUBLIC THAT DRIVERS OF CERTAIN VEHICLES SHALL MAKE A REASONABLE EFFORT TO MOVE THE VEHICLES OFF A ROADWAY; TO AMEND SECTION 56-5-4100, RELATING TO THE SPILLAGE OF LOADS ALONG HIGHWAYS, SO AS TO REVISE THE TYPE OF MATTERS THAT MAY BE SPILLED FROM A VEHICLE THAT ARE COVERED BY THIS PROVISION, TO PROVIDE THAT AN OPERATOR OF A VEHICLE THAT SPILLS CERTAIN MATTER ALONG A HIGHWAY MUST MAKE EVERY REASONABLE EFFORT TO REMOVE THE MATTER FROM THE HIGHWAY, TO PROVIDE THAT CERTAIN AGENCIES MAY REMOVE THE MATTER FROM A HIGHWAY IF THE VEHICLE OPERATOR DOES NOT REMOVE THE MATTER WITHOUT INCURRING LIABILITY FOR DAMAGES TO THE MATTER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE STATE AND ITS POLITICAL SUBDIVISIONS ARE NOT LIABLE FOR ANY DAMAGES OR CLAIMS OF DAMAGES THAT MAY RESULT FROM THE FAILURE TO EXERCISE ANY AUTHORITY PROVIDED IN THIS PROVISION, AND TO PROVIDE THAT CERTAIN INDIVIDUALS SHALL BEAR THE COSTS OF THE REMOVAL, STORAGE, AND DISPOSITION OF ANY MATTER COVERED BY THIS PROVISION; BY ADDING SECTION 56-5-1536 SO AS TO DEFINE, PROVIDE FOR THE REGULATION OF TRAFFIC THROUGH, AND PENALTIES FOR VIOLATING PROVISIONS THAT REGULATE TEMPORARY WORK ZONES; AND TO AMEND SECTION 56-5-765, AS AMENDED, RELATING TO INVESTIGATIONS OF TRAFFIC COLLISIONS INVOLVING A LAW ENFORCEMENT AGENCY'S MOTOR VEHICLES OR MOTORCYCLES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT ANY INVESTIGATION THAT OCCURS AS A RESULT OF A COLLISION INVOLVING A POLICE VEHICLE MUST INCLUDE A FIELD INVESTIGATION TO IDENTIFY POSSIBLE WITNESSES, AND TO DEFINE THE TERM "INVOLVED IN A TRAFFIC COLLISION". - ratified title

**03/12/03 House Introduced and read first time HJ-7**

**03/12/03 House Referred to Committee on Judiciary HJ-7**

**02/18/04 House Committee report: Favorable with amendment Judiciary HJ-14**

**02/19/04 House Scrivener's error corrected**

**02/25/04 House Amended HJ-27**

**02/25/04 House Read second time HJ-31**

**02/26/04 House Read third time and sent to Senate HJ-16**

**02/26/04 Senate Introduced and read first time SJ-8**

**02/26/04 Senate Referred to Committee on Transportation SJ-8**

**04/28/04 Senate Committee report: Favorable with amendment Transportation SJ-31**

**04/29/04 Senate Amended SJ-29**

04/29/04 Senate Read second time SJ-29  
04/29/04 Senate Ordered to third reading with notice of amendments SJ-29  
06/02/04 Senate Amended SJ-75  
06/02/04 Senate Read third time and returned to House with amendments SJ-75  
06/03/04 House Debate adjourned HJ-45  
06/03/04 House Concurred in Senate amendment and enrolled HJ-61  
06/03/04 Ratified R 409  
07/22/04 Signed By Governor  
07/28/04 Copies available  
07/28/04 Effective date 07/22/04  
08/03/04 Act No. 286