~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 1, 2009

**H. 3627**

Introduced by Reps. Miller and Anderson

S. Printed 4/1/09--S.

Read the first time March 4, 2009.

**A** **BILL**

TO AMEND SECTION 59‑67‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

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

SECTION 1. Section 59‑67‑535 of the 1976 Code is amended to read:

“Section 59‑67‑535. Boats operated by the State Department of Education for transportation of school children from ~~islands~~ Sandy Island to mainland schools may also be used to transport, on a space available basis only, any ~~South Carolina~~ Sandy Island resident ~~who is over fifty‑five years of age or disabled or legally blind as defined in Section 43‑25‑20 of the 1976 Code~~. A person requesting boat transportation shall present his ~~medicare card or other card approved by the South Carolina Commission on Aging~~ residence verification to the employee or representative of the State Department of Education who is in charge of the particular boat~~, and a person who is disabled or legally blind shall present to such person in charge of the boat a certificate to that effect from a licensed doctor of medicine or an official of an agency authorized by law to make determinations of disability or blindness~~.

The term ~~“disabled”~~ ‘resident’ as used herein ~~shall mean the inability to perform substantial gainful employment by reason of a medically‑determinable impairment, either physical or mental, which has lasted or is expected to last for a continuous period of twelve months or more~~ means a person with an official residential address on Sandy Island.

Use of such these boats by residents ~~who are over fifty‑five years of age or who are disabled or blind~~ shall be only on a space available basis and only at such time as the boat is being otherwise operated on official business. School children ~~shall~~ in every case shall be given priority of carriage. Provided, that ~~special~~ other trips on ~~such boats~~ the Sandy Island boat may be approved by the ~~County Board of Education~~ county school district, in which case the operations, logistics, and all costs shall be borne by the ~~users~~ school district to the extent that funds are available. The school district may contract with a third party to operate the ferry and manage the logistics associated with the other trips. Persons who are not residents of Sandy Island may be allowed to be transported by the boat when accompanied by a resident.

Any person authorized for transportation pursuant to the provisions of this section shall, prior to boarding, execute a ‘covenant not to sue’ the State of South Carolina or any agency thereof, on a form approved by the State Department of Education.

Nothing in this section shall be construed as a waiver of the state’s general immunity from liability and suit.

~~The benefits provided by the provisions of Article 3, Chapter 77 of Title 15 and Article 5, Chapter 67 of Title 59 shall not be available to persons authorized to be transported pursuant to the provisions of this section.~~”

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

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