**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑1‑70 SO AS TO PROVIDE THAT A PUBLIC UTILITY MAY USE EASEMENTS RELATED TO PUBLIC HIGHWAYS OR ROADS FOR PURPOSES RELATED TO THAT UTILITY IF GRANTED A PERMIT BY THE STATE OR LOCAL GOVERNMENT ENTITY AND SATISFACTION OF OTHER CONDITIONS, AND TO PROVIDE THAT A STATE OR LOCAL GOVERNMENT ENTITY MAY GRANT THE PERMIT BASED ON ITS PRESCRIPTIVE AUTHORITY FOR THE EXPANSION OF UTILITIES.

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

SECTION 1. Chapter 1, Title 58 of the 1976 Code is amended by adding:

“Section 58‑1‑70. (A) A public utility in this State may use an easement or right of way for purposes related to that utility as provided in this title if it receives permission from the State or political subdivision of the State that owns the easement or right of way and the easement or right of way was obtained by:

(1) the State or a political subdivision of the State for the purpose of constructing a highway or public road; or

(2) a telephone or electric power company from the owner of any land who had previously granted an easement or right of way to this State or any political subdivision of the State for the purpose of constructing a highway or public road upon the land to which the easement or right of way relates.

(B) A State or local government entity may grant the permit based on its prescriptive authority for the expansion of utilities.

(C) The provisions of this section apply notwithstanding another provision of law.”

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

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