**South Carolina General Assembly**

121st Session, 2015-2016

**A12, R24, S578**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree, Campbell and Cleary

Document Path: l:\s-res\pgc\011mino.eb.pgc.docx

Companion/Similar bill(s): 3910

Introduced in the Senate on March 19, 2015

Introduced in the House on May 5, 2015

Last Amended on April 29, 2015

Passed by the General Assembly on May 7, 2015

Governor's Action: May 7, 2015, Signed

Summary: Coastal tidelands and wetlands

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/19/2015 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5CSJ%20Archive%5C2015%5C03-19-15.docx))

 3/19/2015 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 3](file:///h%3A%5CSJ%20Archive%5C2015%5C03-19-15.docx))

 4/23/2015 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2015%5C04-23-15.docx))

 4/24/2015 Scrivener's error corrected

 4/29/2015 Senate Committee Amendment Adopted ([Senate Journal‑page 62](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Read second time ([Senate Journal‑page 62](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/29/2015 Senate Roll call Ayes‑43 Nays‑1 ([Senate Journal‑page 62](file:///h%3A%5CSJ%20Archive%5C2015%5C04-29-15.docx))

 4/30/2015 Senate Read third time and sent to House ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2015%5C04-30-15.docx))

 5/5/2015 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 20](file:///h%3A%5CHJ%20Archive%5C2015%5C05-05-15.docx))

 5/6/2015 House Read second time ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C05-06-15.docx))

 5/6/2015 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2015%5C05-06-15.docx))

 5/7/2015 House Read third time and enrolled ([House Journal‑page 38](file:///h%3A%5CHJ%20Archive%5C2015%5C05-07-15.docx))

 5/7/2015 Ratified R 24

 5/7/2015 Signed By Governor

 5/13/2015 Effective date 05/07/15

 5/14/2015 Act No. 12

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=578&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/19/2015](file:///p%3A%5Cpprever%5C2015-16%5C578_20150319.docx)

[4/23/2015](file:///p%3A%5Cpprever%5C2015-16%5C578_20150423.docx)

[4/24/2015](file:///p%3A%5Cpprever%5C2015-16%5C578_20150424.docx)

[4/29/2015](file:///p%3A%5Cpprever%5C2015-16%5C578_20150429.docx)

[5/5/2015](file:///p%3A%5Cpprever%5C2015-16%5C578_20150505.docx)

(A12, R24, S578)

**AN ACT** **TO AMEND SECTION 48‑39‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR A VIOLATION OF THE CHAPTER ON COASTAL TIDELANDS AND WETLANDS, SO AS TO PROVIDE A THREE‑YEAR STATUTE OF LIMITATIONS ON ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES EXCEPT IN INSTANCES WHERE THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION, TO DESCRIBE ACTS OF CONCEALMENT, AND TO APPLY THIS ACT TO ALL FUTURE ENFORCEMENT ACTIONS AND ENFORCEMENT ACTIONS PENDING AS OF JANUARY 1, 2015.**

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

**Providing a statute of limitations on enforcement violations**

SECTION 1. Section 48‑39‑170(C) of the 1976 Code is amended to read:

 “(C) Any person who is determined to be in violation of any provision of this chapter by the department shall be liable for, and may be assessed by the department for, a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day of violation. Whenever the department determines that any person is in violation of any permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring such person to comply with such permit, regulation, standard, or requirement, including an order requiring restoration when deemed environmentally appropriate by the department; in addition, the department may bring a civil enforcement action under this section as well as seeking an appropriate injunctive relief under Section 48‑39‑160. The department shall be required to assert violations of any provision of this chapter relating to minor development activities within three years of the date of the violation, except if the department’s failure to assert the alleged violation resulted from a knowing or intentional attempt to withhold or conceal information relating to the alleged violation by the person against whom the violation is alleged. Failure to make application for, and subsequently receive, the required permit, permit modification, or permit amendment before commencing these activities shall be deemed to be an act of concealment. The provisions of this section apply to all enforcement actions pending as of January 1, 2015, and all future enforcement actions.”

**Time effective**

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

Ratified the 7th day of May, 2015.

Approved the 7th day of May, 2015.

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