**South Carolina General Assembly**

122nd Session, 2017-2018

**A81, R119, H4033**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon, Taylor, Blackwell, Clyburn, Allison, Daning, Yow, Erickson, B. Newton, Bennett, Arrington, Murphy, Crawford and Clemmons

Document Path: l:\council\bills\gt\5334cm17.docx

Companion/Similar bill(s): 565

Introduced in the House on March 22, 2017

Introduced in the Senate on April 5, 2017

Last Amended on April 4, 2017

Passed by the General Assembly on May 11, 2017

Governor's Action: May 19, 2017, Signed

Summary: Speeding in work zones

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/22/2017 House Introduced and read first time ([House Journal‑page 56](file:///h%3A%5Chj%5C20170322.docx))

 3/22/2017 House Referred to Committee on **Education and Public Works** ([House Journal‑page 56](file:///h%3A%5Chj%5C20170322.docx))

 3/23/2017 House Member(s) request name added as sponsor: Daning, Yow, Erickson, B.Newton, Bennett, Arrington

 3/29/2017 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 44](file:///h%3A%5Chj%5C20170329.docx))

 4/4/2017 House Member(s) request name added as sponsor: Murphy, Crawford, Clemmons

 4/4/2017 House Amended ([House Journal‑page 63](file:///h%3A%5Chj%5C20170404.docx))

 4/4/2017 House Read second time ([House Journal‑page 63](file:///h%3A%5Chj%5C20170404.docx))

 4/4/2017 House Roll call Yeas‑98 Nays‑0 ([House Journal‑page 72](file:///h%3A%5Chj%5C20170404.docx))

 4/5/2017 House Read third time and sent to Senate ([House Journal‑page 6](file:///h%3A%5Chj%5C20170405.docx))

 4/5/2017 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170405.docx))

 4/5/2017 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170405.docx))

 4/5/2017 Senate Recalled from Committee on **Transportation** ([Senate Journal‑page 4](file:///h%3A%5Csj%5C20170405.docx))

 4/6/2017 Scrivener's error corrected

 5/10/2017 Senate Read second time ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20170510.docx))

 5/10/2017 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20170510.docx))

 5/11/2017 Senate Read third time and enrolled ([Senate Journal‑page 41](file:///h%3A%5Csj%5C20170511.docx))

 5/15/2017 Ratified R 119

 5/19/2017 Signed By Governor

 5/26/2017 Effective date 5/19/17

 5/31/2017 Act No. 81

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4033&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/22/2017](file:///p%3A%5Cpprever%5C2017-18%5C4033_20170322.docx)

[3/29/2017](file:///p%3A%5Cpprever%5C2017-18%5C4033_20170329.docx)

[4/4/2017](file:///p%3A%5Cpprever%5C2017-18%5C4033_20170404.docx)

[4/5/2017](file:///p%3A%5Cpprever%5C2017-18%5C4033_20170405.docx)

[4/6/2017](file:///p%3A%5Cpprever%5C2017-18%5C4033_20170406.docx)

(A81, R119, H4033)

**AN ACT TO AMEND SECTION 56‑5‑1535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, SO AS TO DELETE THIS PROVISION, TO CREATE THE OFFENSE OF “ENDANGERMENT OF A HIGHWAY WORKER”, TO PROVIDE A PENALTY FOR THIS OFFENSE AND TO PROVIDE DEFINITIONS FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, SO AS TO PROVIDE THAT THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER RESULTING IN NO INJURY IS A TWO POINT VIOLATION, THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER IN WHICH INJURY RESULTS IS A FOUR POINT VIOLATION, AND TO DELETE THE OFFENSE OF FAILING TO GIVE A SIGNAL OR GIVING IMPROPER SIGNAL FOR STOPPING, TURNING, OR SUDDENLY DECREASING SPEED AS A FOUR POINT VIOLATION; TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES; AND TO AMEND SECTION 56‑5‑2150, RELATING TO TURNING, STOPPING, AND REDUCING THE SPEED OF A MOTOR VEHICLE AND THE SIGNALS REQUIRED TO BE USED FOR THESE ACTIONS, SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.**

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

**Highway work zones**

SECTION 1. Section 56‑5‑1535 of the 1976 Code is amended to read:

 “Section 56‑5‑1535. (A) A person commits endangerment of a highway worker if the person is operating a motor vehicle within a highway work zone at anytime one or more highway workers are in the highway work zone and in proximity to the area where the act or omission occurs and the person:

 (1) drives through or around a work zone in any lane not clearly designated for use by motor vehicles traveling through or around a work zone; or

 (2) fails to obey traffic control devices erected for the purpose of controlling the flow of motor vehicles through the work zone for any reason other than:

 (a) an emergency;

 (b) the avoidance of an obstacle; or

 (c) the protection of the health and safety of another person.

 (B)(1) A person who violates the endangerment of a highway worker provision where the highway worker suffers no physical injury must be fined not more than one thousand dollars and not less than five hundred dollars.

 (2) A person who violates the endangerment of a highway worker provision where the highway worker suffers physical injury and the violation was the sole proximate cause of the injury must be fined not more than two thousand dollars and not less than one thousand dollars.

 (3) A person who violates the endangerment of a highway worker provision where the highway worker suffers great bodily injury, as defined in Section 56‑5‑2945(B), and the violation was the sole proximate cause of the injury must be fined not more than five thousand dollars and not less than two thousand dollars.

 (C) A person who violates Section 56‑5‑1535(A) must have two points assessed against his motor vehicle operating record or four points assessed against his motor vehicle operating record if an injury to the highway worker occurred at the time of the incident and the violation is the sole proximate cause of the injury.

 (D) Any fine imposed pursuant to this section is mandatory and may not be waived or reduced below the minimum as provided in subsection (B). Sixty‑five percent of the fine must be remitted to the Treasurer and deposited in a special account, separate and apart from the general fund, designated for use by the Department of Public Safety to be used for work zone enforcement. Twenty‑five percent of the fine must be deposited in the State Highway Fund and designated for use by the Department of Transportation to hire off‑duty state, county, or municipal police officers to monitor construction or maintenance zones. Ten percent of the fine must be remitted to the county governing body in which the charge was disposed, or the municipality if the charge was disposed in municipal court.

 (E) No person shall be cited for endangerment of a highway worker for any act or omission otherwise constituting a violation under this section if the act or omission results, in whole or in part, from mechanical failure of the person’s motor vehicle or from the negligence of a highway worker or another person.

 (F) For purposes of this section:

 (1) ‘Highway work zone’ means an area of a roadway, bridge, shoulder, median, or associated right of way, where construction, maintenance, utility work, accident response, or other incident response is being performed. The work zone must be marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and extends from the first traffic control device erected for purposes of controlling the flow of motor vehicles through the work zone, including signs reducing the normal speed limit, to the ‘END ROAD WORK’ sign or the last temporary traffic control device. The signs, channeling devices, barriers, pavement markings, or work vehicles must meet state Department of Transportation standards, the provisions of Section 56‑5‑4700, or National Fire Protection (NFPA) standards, and must be installed properly.

 (2) ‘Highway worker’ means a person who is required to perform work in highway work zones, including:

 (a) a person who performs maintenance, repair, or construction;

 (b) a person who operates a truck, loader, or other equipment;

 (c) a person who performs any other related maintenance work, as required;

 (d) a public safety officer who enforces work zone‑related transportation management or traffic control;

 (e) a law enforcement officer who conducts traffic control or enforcement operations; and

 (f) an officer or firefighter, an emergency medical services provider, or any other authorized person who removes hazards or who responds to accidents and other incidents.

 (G) Magistrates and municipal court judges have exclusive jurisdiction pursuant to this section.”

**Moving violations**

SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

 “Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

 VIOLATION POINTS

 Reckless driving 6

 Passing stopped school bus 6

 Hit‑and‑run, property damages only 6

 Driving too fast for conditions, or speeding:

 (1) No more than 10 m.p.h. above the posted limits 2

 (2) More than 10 m.p.h. but less than 25

 m.p.h. above the posted limits 4

 (3) 25 m.p.h. or above the posted limits 6

 Disobedience of any official traffic control device 4

 Disobedience to officer directing traffic 4

 Failing to yield right‑of‑way 4

 Driving on wrong side of road 4

 Passing unlawfully 4

 Turning unlawfully 4

 Driving through or within safety zone 4

 Failing to give signal or giving improper

 signal for stopping, turning, or

 suddenly decreased speed 4

 Shifting lanes without safety precaution 2

 Improper dangerous parking 2

 Following too closely 4

 Failing to dim lights 2

 Operating with improper lights 2

 Operating with improper brakes 4

 Operating a vehicle in unsafe condition 2

 Driving in improper lane 2

 Improper backing 2

 Endangerment of a highway worker, no injury 2

 Endangerment of a highway worker, injury results 4”

**Repeal**

SECTION 3. Section 56‑5‑1536 of the 1976 Code is repealed.

**Savings clause**

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Moving violations**

SECTION 5. A. Section 56‑1‑720 of the 1976 Code is amended to read:

 “Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

 VIOLATION POINTS

 Reckless driving 6

 Passing stopped school bus 6

 Hit‑and‑run, property damages only 6

 Driving too fast for conditions,

 or speeding:

 (1) No more than 10 m.p.h. above

 the posted limits 2

 (2) More than 10 m.p.h. but less

 than 25 m.p.h. above the

 posted limits 4

 (3) 25 m.p.h. or above the posted

 limits 6

 Disobedience of any official traffic

 control device 4

 Disobedience to officer

 directing traffic 4

 Failing to yield right of way 4

 Driving on wrong side of road 4

 Passing unlawfully 4

 Turning unlawfully 4

 Driving through or within safety

 zone 4

 Shifting lanes without safety

 precaution 2

 Improper dangerous parking 2

 Following too closely 4

 Failing to dim lights 2

 Operating with improper lights 2

 Operating with improper brakes 4

 Operating a vehicle in unsafe

 condition 2

 Driving in improper lane 2”

B. Section 56‑5‑2150 of the 1976 Code is amended to read:

 “Section 56‑5‑2150. (A) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal as provided for in this section.

 (B) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

 (C) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

 (D) The signals required on vehicles by subsection (B) of Section 56‑5‑2180, shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or ‘do pass’ signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

 (E) A person who violates the provisions of this section must be fined twenty‑five dollars, all or part of which may not be suspended. In addition no court costs, assessments, surcharges, or points may be assessed against the person or his driving record.”

C. The repeal or amendment by this SECTION of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this SECTION, all laws repealed or amended by this SECTION must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this SECTION, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017.

\_\_\_\_\_\_\_\_\_\_