~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 11, 2021

**H. 3865**

Introduced by Reps. Wetmore, Hewitt, Cogswell, Bustos, Anderson, Stavrinakis, Bennett, Erickson and Bradley

S. Printed 3/11/21--H.

Read the first time February 10, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3865) to amend Section 50‑21‑30, Code of Laws of South Carolina, 1976, relating to watercraft laws and ordinances, so as to prohibit a local government from, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 50‑21‑30 of the 1976 Code is amended to read:

“Section 50‑21‑30. ~~(1)~~(A) For the purposes of this section, ‘floating structure’ means a man‑made object other than a watercraft that is capable of flotation and that is not authorized by a permit issued by an agency of this State.

(B) The provisions of Title 50 and other applicable laws of this State shall govern the operation, equipment, titling, numbering, and all other matters relating thereto for watercraft and water devices using or held for use on the waters of this State~~; but nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft; provided, that the ordinances or local laws shall be operative only so long as and to the extent that they are identical to provisions of this chapter, amendments thereto, or regulations issued thereunder~~. A local government may not adopt an ordinance regulating watercraft or water devices used or held for use on the waters of this State unless the ordinance is:

(1) identical to a provision of this chapter;

(2) identical to a regulation promulgated under the authority of a provision of this chapter; or

(3) authorized pursuant to the provisions of this section.

~~(2)~~  ~~Any subdivision of this State may, at any time, but only after three days’ public notice make formal application to the department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules and regulations necessary or appropriate.~~

(C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars. An ordinance adopted pursuant to this subsection does not apply to watercraft:

(a) moored to a dock or marina berth with permission from the dock or berth owner; or

(b) moored to a mooring buoy that is permitted pursuant to Regulation 30‑12 of the Department of Health and Environmental Control and with the permission from the buoy owner.

(2) Notwithstanding the provisions of Section 5-7-140(B), the corporate limits of a municipality extend to the channel of any public waters within the municipality for the purposes of the enforcement of an ordinance adopted pursuant to the provisions of this subsection.

(D) An officer of the department who reasonably believes that watercraft within a local government’s jurisdiction is in violation of an ordinance adopted pursuant to the provisions of this section must provide the location of the watercraft to the local government.

~~(3)~~(E) The department is hereby authorized to make special rules and regulations with reference to the operation of ~~vessels~~ watercraft on the waters ~~within the territorial limits~~ of this State.” /

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 50‑21‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT LAWS AND ORDINANCES, SO AS TO PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING AN ORDINANCE RELATING TO WATERCRAFT OR WATER DEVICES USED OR HELD FOR USE ON THE WATERS OF THIS STATE AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Section 50‑21‑30 of the 1976 Code is amended to read:

“Section 50‑21‑30. ~~(1)~~(A) For the purposes of this section, ‘floating structure’ means a man-made object other than a watercraft that is capable of flotation and that is not authorized by a permit issued by an agency of this State.

(B) The provisions of Title 50 and other applicable laws of this State shall govern the operation, equipment, titling, numbering, and all other matters relating thereto for watercraft and water devices using or held for use on the waters of this State~~; but nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft; provided, that the ordinances or local laws shall be operative only so long as and to the extent that they are identical to provisions of this chapter, amendments thereto, or regulations issued thereunder~~. A local government may not adopt an ordinance regulating watercraft or water devices used or held for use on the waters of this State unless the ordinance is:

(1) identical to a provision of this chapter;

(2) identical to a regulation promulgated under the authority of a provision of this chapter; or

(3) authorized pursuant to the provisions of this section.

~~(2)~~ ~~Any subdivision of this State may, at any time, but only after three days’ public notice make formal application to the department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules and regulations necessary or appropriate.~~

(C) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain at anchorage on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars.

~~(3)~~(D) The department is hereby authorized to make special rules and regulations with reference to the operation of ~~vessels~~ watercraft on the waters ~~within the territorial limits~~ of this State.”

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

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