

**South Carolina General Assembly**  
118th Session, 2009-2010

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(R312, S1298)

**AN ACT TO AMEND SECTION 56-5-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF COMMERCIAL AND UTILITY VEHICLES ON THE HIGHWAYS DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR, SO AS TO PROVIDE THAT WHEN CERTAIN FEDERAL REGULATIONS TRIGGER RELIEF FROM FEDERAL MOTOR CARRIER REGULATIONS IN NORTH CAROLINA OR GEORGIA, THE GOVERNOR MUST DECLARE THAT EMERGENCY IN THIS STATE FOR THE SAME PURPOSES, TO FURTHER PROVIDE FOR THE ENFORCEMENT AND TERMINATION OF THE STATE EMERGENCY, TO PROVIDE THAT CITATIONS FOR SPEEDING AND DISREGARDING TRAFFIC CONTROL DEVICES, EXCEPT TOLL COLLECTION ENFORCEMENT, BASED SOLELY ON PHOTOGRAPHIC EVIDENCE ONLY MAY BE ISSUED FOR VIOLATIONS THAT OCCUR WHILE RELIEF FROM THESE FEDERAL REGULATIONS ARE IN FORCE DUE TO AN EMERGENCY, AND TO REQUIRE SERVICE OF THE CITATION WITHIN ONE HOUR OF THE VIOLATION.**

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

**Relief from federal motor carrier regulations during an emergency; traffic citations based on photographic evidence only may be issued during emergencies**

SECTION 1. Section 56-5-70 of the 1976 Code is amended to read:

“Section 56-5-70. (A) Notwithstanding any provision of this chapter or any other provision of law, during a state of emergency declared by the Governor and for thirty days thereafter, requirements relating to registration, permitting, length, width, weight, load, and time of service are suspended for commercial and utility vehicles that do not

exceed a gross weight of ninety thousand pounds and a width of twelve feet responding to the state of emergency. All vehicles operated upon the public highways of this State under the authority of this section must:

- (1) be operated in a safe manner;
- (2) maintain required limits of insurance;
- (3) be clearly identified as a utility vehicle or provide appropriate documentation indicating it is a commercial vehicle responding to the emergency.

(B) When an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. 390.23(a)(1)(A), must be declared in this State by the Governor.

(C) A declaration of emergency in this State, as described in subsection (B), must not be terminated prior to the termination of the declarations of emergencies in North Carolina and Georgia or the thirtieth day after the initial declaration of emergency in this State, whichever is less.

(D) A declaration of emergency in this State that triggers relief from regulations pursuant to 49 C.F.R. 390.23 must be effective for no less than fourteen days prior to its termination. Unless the initial declaration of emergency contains a termination date, the order may not be terminated until the passage of seven days after notification of the date of termination is issued or the passage of thirty days after the initial declaration of the emergency, whichever is less. If termination of the declaration of emergency is to occur prior to the passage of thirty days after the initial declaration of emergency, the declaration of emergency must be terminated at 11:59 p.m. on a Friday.

(E) Citations for violating traffic laws relating to speeding or disregarding traffic control devices based solely on photographic evidence only may be issued for violations that occur while relief from regulations pursuant to 49 C.F.R. 390.23 has been granted due to an emergency. A person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based solely on photographic evidence must be served in person with notice of the violation within one hour of the occurrence of the violation. The provisions of this subsection do not apply to toll collection enforcement.”

**Time effective**

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

Ratified the 7<sup>th</sup> day of June, 2010.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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*Governor*

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