RECALLED

May 4, 2016

**H. 5299**

Introduced by Reps. G.M. Smith, J.E. Smith, Herbkersman, Huggins, Merrill, Anderson, Spires, McCoy, Limehouse, Collins, Stavrinakis, Bernstein, Riley, Bannister, Finlay, Weeks, Bingham, Rutherford, Kennedy, Newton, Horne and Cole

S. Printed 5/4/16--H.

Read the first time April 28, 2016.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑445 SO AS TO GIVE THE GOVERNOR AUTHORITY IN TIMES OF EMERGENCY TO MAKE CERTAIN ACCOMMODATIONS FOR A PERSON TRANSPORTING GOODS, AND TO PROVIDE FOR A CERTIFICATION SYSTEM.

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

SECTION 1. Article 4, Chapter 1, Title 25 of the 1976 Code is amended by adding:

“Section 25‑1‑445. (A) In addition to any other powers conferred on the Governor by law, whenever a curfew has been imposed, the Governor may declare by executive order that the health, safety, or economic well‑being of individuals or property in this State require that any person transporting goods in commerce to the curfew area, or assisting in ensuring their availability, and any person assisting in restoring utility services, be allowed to enter or remain in areas from which they would otherwise be excluded for the limited purpose of delivering the goods, assisting in ensuring their availability, or assisting in restoring utility services.

(B) As part of an executive order issued pursuant to subsection (A), or independently of such an order, the Governor may declare by executive order that the health, safety, or economic well‑being of persons or property in this State requires that laws and regulations pertaining to safety and inspection of motor carriers, including maximum hours of service, may be waived for any person transporting goods or assisting in the restoration of utility services.

(C) The Director of the South Carolina Emergency Management Division shall develop a system by which a person who transports goods, or assists in ensuring their availability, and a person who assists in the restoring of utility services can be certified as such. The certification system allows for both preemergency declaration and post‑emergency declaration certification and may include an annually renewable precertification. A certification of the employer constitutes a certification of the employer’s employees. The director shall create an easily recognizable indicium of certification in order to identify a person that has received certification. Before certification, the employer must be verified by the South Carolina Secretary of State as a bona fide company doing business in South Carolina. The employer may be verified on the website maintained by the South Carolina Secretary of State.

(D) Notwithstanding the existence of any curfew, a person who is certified pursuant to subsection (C) must be allowed to enter or remain in the curfew area for the limited purpose of delivering or assisting in the distribution of goods or assisting in the restoration of utility services and must be allowed to provide service that exceeds otherwise applicable hour maximums, to the extent authorized by an executive order executed pursuant to subsection (A). Nothing in this section prohibits law enforcement or other local officials from denying access to an area in order to preserve, protect, or sustain the life, health, safety, or economic well‑being of a person or property.

(E) For purposes of this section:

(1) ‘Curfew’ means any restriction on ingress and egress to the emergency area of a state of emergency or any restriction on the movement of persons within such an area.

(2) ‘Curfew area’ means the area that is subject to a curfew.”

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

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