**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3857**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. W. Newton, Herbkersman, Erickson and Bradley

Document Path: l:\council\bills\gt\5978cm21.docx

Introduced in the House on February 9, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Uniform act to regulating traffic on private road

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2021 House Introduced and read first time ([House Journal‑page 29](file:///h:\hj\20210209.docx))

2/9/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 29](file:///h:\hj\20210209.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3857&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/9/2021](file:///p:\pprever\2021-22\3857_20210209.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑6310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS THAT REGULATE TRAFFIC FROM THE STATE’S PUBLIC ROADS TO PRIVATE ROADS, SO AS TO PROVIDE THIS SECTION DOES NOT PREEMPT OR PREVENT ANY PRIVATE LIMITATIONS OR RESTRICTIONS REGARDING THE USE OF A PRIVATE ROAD.

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

SECTION 1. Section 56‑5‑6310 of the 1976 Code is amended to read:

“Section 56‑5‑6310. The provisions of Chapters 1, 3, 5, 7, 9, and 10 of Title 56 shall be applicable to private roads if the owner, including any corporation or homeowners’ association holding title to community roads and excluding those only holding easements over such roads, shall file a written consent stating that the undersigned is the owner of the private roads shown on an attached plat and consents to the application of the provisions of this chapter for purposes of highway safety on such private roads. When the road is owned by two abutting owners, both shall consent to the application of this chapter. In the event there are more than two owners of the road, the provisions of this chapter shall apply when a majority of those owners of the total front footage abutting such road shall consent thereto. The consent shall be executed with the same formalities as a deed and with the plat shall be filed with the clerk of court or register of deeds for the county in which the private road is located and with the sheriff of such county. No derivation clause shall be required. Such filing shall not constitute a dedication to the public of such roads nor shall it constitute permission by the owner for the public to use such roads. The written consent shall become effective thirty days from the date it is filed with the clerk of court or register of deeds. Notwithstanding any other provision of law, this section does not preempt or prevent any private limitations or restrictions regarding the use of a private road.”

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

‑‑‑‑XX‑‑‑‑