~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 28, 2021

**H. 3730**

Introduced by Reps. R. Williams, Jefferson, Gilliard and Murray

S. Printed 4/28/21--H. [SEC 4/29/21 2:55 PM]

Read the first time January 27, 2021.

**A** **BILL**

TO AMEND SECTION 56‑5‑2710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A DRIVER OF A MOTOR VEHICLE OBEYING A SIGNAL THAT INDICATES AN APPROACHING TRAIN, SO AS TO PROVIDE ADDITIONAL CIRCUMSTANCES THAT REQUIRE A DRIVER TO STOP A VEHICLE APPROACHING A RAILROAD GRADE CROSSING.

Amend Title To Conform

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

SECTION 1. Section 56‑5‑2710(a) of the 1976 Code is amended to read:

“(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section the driver of the vehicle shall stop within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or other on-track equipment.

(2) A crossing gate is lowered or when a flagman gives or continues to give a signal of the approach or passage of a railroad train or other on‑track equipment.

(3) A railroad train or other on‑track equipment approaching within approximately one thousand, five hundred feet of the highway crossing emits a signal audible from such distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard.

(4) An approaching railroad train or other on‑track equipment is plainly visible and is in hazardous proximity to the crossing.

SECTION 2. Section 58‑17‑4080 of the 1976 Code is amended to read:

“Section 58‑17‑4080. (A) ~~If any~~ A person, including ~~any~~ a conductor of ~~any~~ a train of railroad cars or ~~any other~~ another agent or servant of ~~any~~ a railroad company, ~~shall~~ may not obstruct unnecessarily ~~any~~ a public road or highway by permitting ~~any~~ a railroad car or locomotive to be or remain upon or across ~~any~~ a street, public road, or highway for a longer period than five minutes~~, after notice to remove such cars has been given to the conductor, engineer, agent or other such person in charge of such train~~ or ~~shall permit~~ permits any timber, wood, or other obstruction to remain upon or across ~~any such~~ a street, road, or highway to the hindrance or inconvenience of ~~travelers or any person~~ persons passing along or upon ~~such~~ the street, road, or highway~~, every such person so offending shall forfeit and pay for every such offense any sum not exceeding twenty nor less than five dollars and shall be~~. A railroad company whose railroad car, locomotive, or other object obstructed a street, public road, or highway in violation of the provisions of this section must be fined by the Public Service Commission two thousand dollars for each lane of the street, public road, or highway obstructed. If the violation occurs between the hours of 7:30 a.m. and 5:30 p.m., the fine must be increased to five thousand dollars for each lane of the street, public road, or highway obstructed. In addition, the railroad company is liable for all damages arising to any highway, to be recovered by an action at the suit of the governing body of the county in which ~~such~~ the offense ~~shall have~~ has been committed or ~~any~~ a person suing ~~therefor~~ for damages, before ~~any~~ a magistrate within the county in which ~~such~~ the offense ~~shall have~~ has been committed or by indictment in the court of general sessions or suit in the court of common pleas. ~~All fines so accruing under the provisions of this section, when collected, shall be paid over by the magistrate to the county treasurer for the district in which such offense was committed.~~ Every ~~twenty‑four hours~~ five minutes ~~such person, after being notified, shall suffer such obstructions to the hindrance or inconvenience of travelers or any person going along or upon such road or highway to continue~~ of obstruction ~~shall be deemed~~ constitutes an additional offense against the provisions of this section.

(B) The provisions of this section do not apply to obstruction of a public street, road, or highway by a continuously moving train or caused by circumstances wholly beyond the control of the railroad company, but do apply to other obstructions including, but not limited to, those caused by stopped trains and trains engaged in switching, loading, or unloading operations.”

SECTION 3. This act takes effect upon approval by the Governor.

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