



March 16, 2022

Action on User Fee Legislation Needed

Senate Bill 984 ([S. 984](#)) dealing with user fee authorization would allow counties to assess service or user fees to the nonexclusive benefit of the payers. Prior to the Supreme Court Opinion in *Burns v. Greenville County Council*, road fees, and other similar user fees, were thought to be permitted under the guidance of *Brown v. County of Horry* and Section 6-1-300(6) of the SC Code. However, relying on its interpretation of the § 6-1-300 (6), the Supreme Court ruled a Greenville County road ordinance invalid. The Court held that, “while Greenville County residents who use the roads every day may derive more benefit from having the roads maintained in good condition, it is still the same benefit every driver gets, no matter where their car is registered.” In other words, the court determined that the fee payer must receive a different benefit from paying the fee, not merely a greater benefit.

Since the Supreme Court relied on a statute to invalidate these fees, a legislative amendment is the easiest solution to this newly-created problem. S. 984 achieves this by allowing service or user fees as long as the fee benefits the payer in some manner different from **or greater than** the members of the general public not paying the fee.

“Crossover” is quickly approaching at the State House, which means bills that do not pass from one chamber to the other by April 8th will likely not pass this session.

Please contact your Senators and ask them to request that Chairman Peeler schedule S. 984 for a subcommittee hearing next week!

Contact SCAC staff with any questions.

