RECALLED

May 14, 2009

**H. 3681**

Introduced by Reps. Ott, Kirsh, Brantley, McEachern, G.A. Brown, J.H. Neal, Cobb‑Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M.A. Pitts, Hodges and Hutto

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Read the first time April 22, 2009.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL‑TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL‑TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL‑TERRAIN VEHICLES.

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

SECTION 1. Title 50 of the 1976 Code is amended by adding:

“CHAPTER 26

All‑Terrain Vehicle Safety Act

Section 50‑26‑10. This chapter may be cited as ‘Chandler’s Law’.

Section 50‑26‑20. For the purposes of this chapter ‘all‑terrain vehicle’ or ‘ATV’ means a motorized vehicle designed for off‑road travel on four low‑pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer for use by a single operator or an operator and no more than one passenger.

Section 50‑26‑30. (A) Effective July 1, 2009, every person fifteen years old and younger who operates an all‑terrain vehicle much possess a safety certificate indicating successful completion of an all‑terrain vehicle safety course approved by the All‑Terrain Vehicle Safety Institute.

(B) It is unlawful for a parent or legal guardian to knowingly permit his child or ward under six years of age to operate an all‑terrain vehicle.

(C) No person shall operate an all‑terrain vehicle bearing a certification label conforming to standard ANSI/SVIA 1‑2007 in violation of the Age Restriction Warning Label affixed by the manufacturer; or not bearing a certification label conforming to standard ANSI/SVIA 1‑2007 except as follows:

(1) all‑terrain vehicles with engine capacity less than seventy cubic centimeter displacement shall be operated by those age six and older;

(2) all‑terrain vehicles with engine capacity seventy cubic centimeter displacement up to and including ninety cubic centimeter displacement must be operated only by those age twelve and older; or

(3) all‑terrain vehicles with engine capacity greater than ninety cubic centimeter displacement must be operated only by those age sixteen and older.

(D) A person fifteen years of age or younger also may not operate, ride, or otherwise be propelled on an all‑terrain vehicle within this State unless the person wears a safety helmet meeting standard FMVSS #218 and eye protection.

(E) As used in this section ‘ANSI/SVIA’ means American National Standards Institute/Specialty Vehicles Institute of America, and ‘FMVSS’ means Federal Motor Vehicle Safety Standard.

Section 50‑26‑40. (A) The restrictions in this section apply to operation of all‑terrain vehicles on state‑owned lands open to the public that allow operation of all‑terrain vehicles and are in addition to the requirements of Section 50‑26‑30.

(B) It is unlawful to operate an all‑terrain vehicle except in compliance with the local regulations and restrictions for all‑terrain vehicle operation.

(C) It is unlawful to operate an all‑terrain vehicle between one‑half hour after sunset to one‑half hour before sunrise unless it is operated with headlights on.

(D) It is unlawful to cross any watercourse except at a designated ford, crossing, or bridge, or if the watercourse is bisected by a trail.

(E) An all‑terrain vehicle must have an effective United States Department of Agriculture Forest Service approved spark arrester in good working condition and a brake system in good operating condition.

(F) It is unlawful to operate an all‑terrain vehicle while under the influence of alcohol or any controlled substance.

(G) It is unlawful to operate an all‑terrain vehicle in a negligent or reckless manner.

(H) Nothing contained in this chapter prevents the operation of an all‑terrain vehicle on a beach, or between the breakers and the shoreline of the beach, if the all‑terrain vehicle is operated in a manner approved by the entity that owns or controls the area.

Section 50‑26‑50. All‑terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2009.

Section 50‑26‑60. A person violating this chapter, unless otherwise specified, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars.”

Section 50-26-70. This chapter does not apply to:

(1) an owner, operator, lessor, or renter of a farm or ranch, or that person’s employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming or ranching operations; or

(2) a person using an all-terrain vehicle for hunting or trapping purposes if the person is otherwise lawfully engaged in those activities.

SECTION 2. Chapter 19, Title 56 of the 1976 Code is amended by adding:

“Article 9

Titling of All‑Terrain Vehicles

Section 56‑19‑1010. An owner of an ATV may make application to the Department of Motor Vehicles for a title for the vehicle accompanied by the required fee and upon the appropriate form prescribed and furnished by the department. The application must be accompanied by a manufacturer’s certificate of origin or previous title properly assigned to the applicant.

Section 56‑19‑1020. When a person who is not a licensed ATV dealer receives by purchase, gift, trade, or by another means a vehicle that was titled in this State, the person who receives the vehicle may make application to the department for a title. The application must be accompanied by the required documents and fee for title. The department shall issue a certificate of title once it has received a properly completed application. An owner of an ATV, before the effective date of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ATV. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ATV is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

Section 56‑19‑1030. The title fee for an ATV is contained in Section 56‑19‑420(A). For purposes of this article, an all‑terrain vehicle (ATV) is defined as provided in Section 50‑26‑20.”

SECTION 3. Except as otherwise provided, this act takes effect July 1, 2009.

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