~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 30, 2012

**H. 3163**

Introduced by Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick

S. Printed 5/30/12--S.

Read the first time April 28, 2011.

**A** **BILL**

TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

Amend Title To Conform

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

SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-2905. For purposes of this article, ‘motor vehicle’ is defined as a vehicle that is self-propelled, including mopeds, golf carts, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.”

SECTION 2. Section 56‑5‑3720 of the 1976 Code is amended to read:

“Section 56-5-3720. It is unlawful for a person to sell a moped for use on the public highways and streets of this State or operate a moped upon the public highways and streets of this State without operable pedals if the moped is equipped with pedals, at least one rearview mirror, operable running lights, and brake lights which are operable when either brake is deployed. A moped must be equipped with a lamp on the front, which must emit a white light visible from a distance of at least five hundred feet to the front and with a lamp on the rear, which must emit a red light visible from a distance of at least five hundred feet to the rear. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.”

SECTION 3. Section 56-5-3730 of the 1976 Code is amended to read:

“Section 56-5-3730. The operator of a moped must have the operating lights turned on at all times while the moped is in operation on the public highways and streets of this State. A moped must be equipped with a lamp on the front, which must emit a white light visible from a distance of at least five hundred feet to the front and with a lamp on the rear, which must emit a red light visible from a distance of at least five hundred feet to the rear.”

SECTION 4. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2937. (A) Notwithstanding any other provision of law, a person convicted of violating Section 56‑5‑2930, Section 56-5-2933, or Section 56-5-2945 while operating a moped must be punished as follows:

(1) for a first offense, by a fine of not more than five hundred dollars or imprisonment of not more than thirty days; or

(2) for a second or subsequent offense, by imprisonment of not less than five days, but not more than one year, no part of which may be suspended.

(B) A conviction for a violation of Section 56‑5‑2930, Section 56‑5‑2933, or Section 56-5-2945 may be used for enhancement purposes under this section.”

SECTION 5. Section 56‑2‑100(A) of the 1976 Code is amended to read:

“(A) A low speed vehicle may be operated only on a ~~secondary~~ highway for which the posted speed limit is thirty‑five miles an hour or less.”

SECTION 6. This act takes effect ninety days after approval by the Governor.

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