

NO. 2

**JOURNAL**  
of the  
**HOUSE OF REPRESENTATIVES**  
of the  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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WEDNESDAY, JANUARY 13, 2016  
(STATEWIDE SESSION)

**Wednesday, January 13, 2016**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 2:00 p.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 29:8: “The voice of the Lord shakes the wilderness.”

Let us pray. Send Your spirit, O God, to open our ears and our hearts to Your voice. As we go through this Session, may Your presence be felt in all creation. Help us to realize that You, O Lord, continue to be the one in control of all creation. Continue to lead us by Your hand as we go through the agenda for today. Look in favor upon our Nation, President, State, Governor, Speaker, and staff, so that what we do here may be pleasing to You. Protect our defenders of freedom as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. COBB-HUNTER moved that when the House adjourns, it adjourn in memory of Mrs. Geraldine Hillard Matthews, wife of Senator John W. Matthews, Jr., of Bowman, which was agreed to.

**CONFIRMATION OF APPOINTMENT**

The following was received:

State of South Carolina  
Office of the Governor

January 12, 2016

Mr. Speaker and Members of the House of Representatives:

**WEDNESDAY, JANUARY 13, 2016**

I am transmitting herewith an appointment for confirmation. This appointment is made with advice and consent of the appointee's Congressional Delegation and is therefore submitted for your consideration.

Statewide Reappointment

State Board for Technical and Comprehensive Education

Term Commencing: July 1, 2012

Term Expiring: July 1, 2018

Seat: 7<sup>th</sup> Congressional District

Vice: Daniel Philip Gray

Mr. Philip G. Homan  
Post Office Box 1858  
Bennettsville, South Carolina 29512

My very best,  
Nikki R. Haley  
Governor

The yeas and nays were taken resulting as follows:

Yeas 52; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Bamberg	Bannister	Bowers
Clemmons	Cole	Collins
Crosby	Delleney	Duckworth
Felder	Funderburk	George
Goldfinch	Hamilton	Hardee
Hayes	Herbkersman	Hicks
Hodges	Johnson	Long
Lucas	McEachern	D. C. Moss
Murphy	Nanney	Norman
Norrell	Pitts	Pope
Ridgeway	Rivers	Robinson-Simpson
Sandifer	Simrill	Sottile
Spires	Stavrinakis	Tallon
Thayer	Tinkler	Weeks

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

Wells  
Willis

Whitmire

Williams

**Total--52**

Those who voted in the negative are:

**Total--0**

The appointment was confirmed and a message was ordered sent to the Senate accordingly.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committee for consideration:

Document No. 4594

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 1-23-10(4) and 44-1-140

Development of Subdivision Water Supply and Sewage

Treatment/Disposal Systems

Received by Speaker of the House of Representatives

January 12, 2016

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 11, 2016

Document No. 4591

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, and

48-1-10 et seq.

Onsite Wastewater Systems

Received by Speaker of the House of Representatives

January 12, 2016

Referred to Regulations and Administrative Procedures Committee

Legislative Review Expiration May 11, 2016

**HOUSE RESOLUTION**

The following was introduced:

H. 4642 -- Rep. Rutherford: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF FRANKLIN BROUGHTON OF CROSS AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4643 -- Reps. Rutherford, Alexander, Anderson, Anthony, Bales, Bamberg, Bernstein, Bowers, G. A. Brown, R. L. Brown, Clyburn, Cobb-Hunter, Dillard, Douglas, Duckworth, Funderburk, George, Gilliard, Govan, Hart, Hayes, Henegan, Hodges, Hosey, Howard, Jefferson, King, Kirby, Knight, Mack, McEachern, M. S. McLeod, W. J. McLeod, Mitchell, Neal, Norrell, Ott, Parks, Ridgeway, Robinson-Simpson, J. E. Smith, Stavrinakis, Tinkler, Weeks, Whipper and Williams: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF GERALDINE HILLARD MATTHEWS OF BOWMAN, BELOVED WIFE OF SOUTH CAROLINA STATE SENATOR JOHN MATTHEWS, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4645 -- Reps. Ballentine, Huggins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod,

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND PINE GROVE AFRICAN METHODIST EPISCOPAL CHURCH OF IRMO UPON THE OCCASION OF IRMO'S MARTIN LUTHER KING, JR., CELEBRATION.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4646 -- Rep. Forrester: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE DORMAN HIGH SCHOOL GIRLS GOLF TEAM, ITS COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2015 CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Dorman High School girls golf team, its coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2015 Class AAAA State Championship title.

The Resolution was adopted.

**WEDNESDAY, JANUARY 13, 2016**

**HOUSE RESOLUTION**

The following was introduced:

H. 4647 -- Reps. Forrester, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO SALUTE THE DORMAN HIGH SCHOOL GIRLS GOLF TEAM, COACH, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE 2015 CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4648 -- Rep. Forrester: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR TO THE STUDENTS AND SCHOOL OFFICIALS OF THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND THE BLIND, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING THEM FOR A DEMONSTRATION OF THEIR UNIQUE ACCOMPLISHMENTS.

Be it resolved by the House of Representatives:

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**WEDNESDAY, JANUARY 13, 2016**

That the members of the House of Representatives of the State of South Carolina, by this resolution, extend the privilege of the floor to the students and school officials of the South Carolina School for the Deaf and the Blind, at a date and time to be determined by the Speaker, for the purpose of recognizing them for a demonstration of their unique accomplishments.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4649 -- Reprs. Felder, King, D. C. Moss, Delleney, Simrill, Long, Norman and Pope: A HOUSE RESOLUTION TO SALUTE THE NATION FORD HIGH SCHOOL MARCHING BAND, BAND DIRECTORS, AND SCHOOL OFFICIALS FOR A SENSATIONAL SEASON AND TO CONGRATULATE THEM ON WINNING THE 2015 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION CLASS AAAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4650 -- Reprs. Felder, King, Delleney, Simrill, Long, Norman and Pope: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE NATION FORD HIGH SCHOOL MARCHING BAND, BAND DIRECTORS, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2015 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION CLASS AAAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Nation Ford High School marching band, band directors, and school officials, at a date and time to be

**WEDNESDAY, JANUARY 13, 2016**

determined by the Speaker, for the purpose of being recognized and commended for winning the 2015 South Carolina Band Directors Association Class AAAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4651 -- Reps. Finlay and Bernstein: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HAMMOND SCHOOL GIRLS VARSITY TENNIS TEAM OF RICHLAND COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Hammond School girls varsity tennis team of Richland County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2015 South Carolina Independent School Association Class AAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4652 -- Reps. Finlay, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart,

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**WEDNESDAY, JANUARY 13, 2016**

Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE HAMMOND SCHOOL GIRLS VARSITY TENNIS TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4653 -- Reprs. Finlay, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HAMMOND SCHOOL VARSITY FOOTBALL TEAM,

**WEDNESDAY, JANUARY 13, 2016**

COACHES, AND SCHOOL OFFICIALS FOR A PERFECT SEASON AND TO CONGRATULATE THEM FOR CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4654 -- Reps. Finlay and Bernstein: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HAMMOND SCHOOL VARSITY FOOTBALL TEAM OF RICHLAND COUNTY WITH THE TEAM COACHES AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Hammond School varsity football team of Richland County with the team coaches and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2015 South Carolina Independent School Association State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4655 -- Reps. Bernstein and Finlay: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HAMMOND SCHOOL COMPETITIVE CHEERLEADING TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR

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**WEDNESDAY, JANUARY 13, 2016**

OUTSTANDING SEASON AND FOR CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Hammond School competitive cheerleading team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2015 South Carolina Independent School Association Class AAA State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4656 -- Reps. Bernstein, Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO APPLAUD THE HAMMOND SCHOOL COMPETITIVE CHEERLEADING TEAM ON CAPTURING THE 2015 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP

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**WEDNESDAY, JANUARY 13, 2016**

TITLE AND TO CONGRATULATE THE TEAM AND ITS COACHES ON A SUPERLATIVE SEASON.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4657 -- Rep. Alexander: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR PRIVATE MALACHI TIMOTHY COUCH FOR HIS SELFLESS SERVICE TO THE YOUTH OF OUR NATION AND TO CONGRATULATE HIM AS HE GRADUATES FROM BASIC TRAINING WITH THE UNITED STATES ARMY NATIONAL GUARD.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 4658 -- Reps. Finlay, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR MATTHEW GREG DI BIASE, BETTER KNOWN AS "GREG", UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA BOARD OF ECONOMIC ADVISORS AFTER MORE

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

THAN FOUR DECADES OF EXEMPLARY SERVICE TO HIS STATE, AND TO WISH HIM MUCH CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 4663 -- Rep. Taylor: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION PLACE SIGNS ALONG SOUTH CAROLINA HIGHWAY 39 AT THE NORTHERN AND SOUTHERN ENTRANCES TO THE TOWN OF SALLEY THAT CONTAIN THE WORDS "LUKE PARSONS 2015 U.S. KIDS GOLF WORLD CHAMPION".

The Concurrent Resolution was ordered referred to the Committee on Education and Public Works.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 4644 -- Rep. Rutherford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Referred to Committee on Medical, Military, Public and Municipal Affairs

**WEDNESDAY, JANUARY 13, 2016**

H. 4659 -- Reps. Goldfinch and Anderson: A BILL TO AMEND SECTION 7-7-270, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO RENAME FOUR PRECINCTS, AND REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Referred to Georgetown Delegation

H. 4660 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 38-43-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS EXCLUDED FROM LICENSURE AS AN INSURANCE PRODUCER OR AN INSURANCE AGENCY, SO AS TO EXCEPT FROM THESE EXCLUSIONS A LICENSED PROPERTY AND CASUALTY INSURANCE PRODUCER WHO PLACES SURPLUS LINES INSURANCE THROUGH A LICENSED INSURANCE BROKER; TO AMEND SECTION 38-43-50, RELATING TO LIMITED LINE AND SPECIAL PRODUCER LICENSURE, SO AS TO PROVIDE THAT A LICENSED PROPERTY CASUALTY INSURANCE PRODUCER MAY PLACE SURPLUS LINES INSURANCE THROUGH A LICENSED INSURANCE BROKER WITHOUT BEING APPOINTED BY THE SURPLUS LINES INSURER; AND TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS CONCERNING THE INSURANCE LAW OF THIS STATE, AND SECTION 38-45-10, RELATING TO DEFINITIONS CONCERNING INSURANCE BROKERS AND SURPLUS PROPERTY LINES INSURANCE, SO AS TO MAKE CONFORMING CHANGES TO RELATED TERMS.

Referred to Committee on Labor, Commerce and Industry

H. 4661 -- Reps. Forrester and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 7 TO ARTICLE 9, CHAPTER 35, TITLE 11 SO AS TO PROVIDE REQUIREMENTS CONCERNING ACCEPTABLE PIPING MATERIAL IN THE STATE PROCUREMENT CODE, AND TO DEFINE NECESSARY TERMS.

Referred to Committee on Labor, Commerce and Industry

H. 4662 -- Rep. Gambrell: A BILL TO REENACT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

**WEDNESDAY, JANUARY 13, 2016**

AND RELATED PROVISIONS, ENACTED BY SECTIONS 1, 2, 3 AND 5, ACT 339 OF 2008, WHICH EXPIRED ON JUNE 1, 2014, AND TO MAKE THESE REENACTED PROVISIONS RETROACTIVE TO THIS EXPIRATION DATE, AND TO SPECIFICALLY NOT REENACT CERTAIN OBSOLETE PROVISIONS.

Referred to Committee on Labor, Commerce and Industry

H. 4664 -- Reps. Burns and Chumley: A BILL TO AMEND SECTION 23-31-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PREMISES OWNER'S RIGHT TO PERMIT A CONCEALED WEAPON PERMIT HOLDER TO CARRY A WEAPON ON HIS PREMISES, SO AS TO PROVIDE THAT A PREMISES OWNER OR A PERSON IN LEGAL POSSESSION OF A PREMISES IS LIABLE FOR ANY INJURY SUSTAINED BY A CONCEALED WEAPON PERMIT HOLDER FROM THE PERPETRATOR OF A CRIME WHILE ON A POSTED PREMISES UPON WHICH A PERSON MAY NOT CARRY A CONCEALABLE WEAPON, AND TO PROVIDE CIVIL LIABILITIES ASSOCIATED WITH THIS PROVISION.

Referred to Committee on Judiciary

H. 4665 -- Reps. Tallon, Bannister, Bingham, Burns, Cole, Delleney, Erickson, Felder, Gagnon, Hamilton, Huggins, Kennedy, Lowe, Norrell, Rivers, G. M. Smith, G. R. Smith, Southard and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-19-115 SO AS TO REQUIRE CANDIDATES FOR MAGISTRATES COURT TO BE SCREENED BY THE JUDICIAL MERIT SELECTION COMMISSION BEFORE THEY MAY BE APPOINTED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE; AND TO AMEND SECTION 22-1-10, AS AMENDED, RELATING TO THE APPOINTMENT AND JURISDICTION OF MAGISTRATES, SO AS TO PROVIDE MAGISTRATES MUST BE SCREENED BY THE JUDICIAL MERIT SELECTION COMMISSION AND DELETE LANGUAGE ALLOWING MAGISTRATES' TERMS TO CONTINUE UNTIL SUCCESSORS ARE APPOINTED AND QUALIFIED.

Referred to Committee on Judiciary

H. 4666 -- Reps. Pope, Bales, Erickson, Clyburn, Hardee, Jefferson, M. S. McLeod, McKnight, Knight, Hicks, Bamberg, Hosey, Newton,

**WEDNESDAY, JANUARY 13, 2016**

Jordan, Tinkler, George, Gilliard, Mack, Limehouse, R. L. Brown, Hayes, Herbkersman, Norman, Ridgeway, Rivers and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 25, TITLE 16 SO AS TO ENTITLE THE ARTICLE THE "DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES", ESTABLISH THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES IN EACH CIRCUIT, PROVIDE APPROPRIATE PROTOCOLS WHICH MUST BE FOLLOWED BY THE COMMITTEES, PROVIDE FOR THE COMPOSITION OF THE COMMITTEES, PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION BY THE COMMITTEES AND OTHER PERSONS, AND PROVIDE SUBPOENA AUTHORITY TO THE COMMITTEES UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Judiciary

H. 4667 -- Reps. Anderson and Goldfinch: A JOINT RESOLUTION TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO TRANSFER OWNERSHIP OF THE OLD PRINCE WASHINGTON PUBLIC SCHOOL BOAT TO GEORGETOWN COUNTY.

Referred to Committee on Education and Public Works

H. 4668 -- Reps. Chumley, Burns and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SECOND AMENDMENT PRESERVATION ACT" AND PROVIDE THAT NO PUBLIC FUNDS, PERSONNEL, OR PROPERTY SHALL BE ALLOCATED FOR THE IMPLEMENTATION, REGULATION, OR ENFORCEMENT OF ANY EXECUTIVE ORDER, OR DIRECTIVE ISSUED BY THE PRESIDENT OF THE UNITED STATES AFTER JANUARY 1, 2016, THAT REGULATES THE OWNERSHIP, USE, OR POSSESSION OF FIREARMS, AMMUNITION, OR FIREARM ACCESSORIES, AND TO DEFINE THE TERM "FIREARM".

Referred to Committee on Judiciary

**ROLL CALL**

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Anthony	Atwater	Bales

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

Ballentine	Bamberg	Bannister
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Howard	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	Mitchell	D. C. Moss
V. S. Moss	Murphy	Nanney
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Ridgeway
Riley	Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Southard
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Weeks	Wells
Whipper	White	Williams
Willis	Yow	

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on .

Shannon Erickson	Wendell Gilliard
Chip Huggins	James Merrill
Richard "Rick" Quinn	Todd Rutherford

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

G. R. Smith  
Joseph Neal

William R. "Bill" Whitmire

**Total Present--119**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TOOLE a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CHUMLEY a leave of absence for the day due to a death in the family.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. W. J. MCLEOD a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BEDINGFIELD a leave of absence for the day to attend a funeral.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. RYHAL a leave of absence for the day.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Michael T. Finch, Jr. of Columbia was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's

**WEDNESDAY, JANUARY 13, 2016**

or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

**CO-SPONSOR ADDED**

Bill Number: H. 3166  
Date: ADD:  
01/13/16 FELDER

**CO-SPONSOR ADDED**

Bill Number: H. 3177  
Date: ADD:  
01/13/16 G. R. SMITH

**CO-SPONSOR ADDED**

Bill Number: H. 3408  
Date: ADD:  
01/13/16 FELDER

**CO-SPONSOR ADDED**

Bill Number: H. 3440  
Date: ADD:  
01/13/16 CLEMMONS

**CO-SPONSOR ADDED**

Bill Number: H. 3693  
Date: ADD:  
01/13/16 PUTNAM

**CO-SPONSOR ADDED**

Bill Number: H. 4446  
Date: ADD:  
01/13/16 YOW

**CO-SPONSOR ADDED**

Bill Number: H. 4478  
Date: ADD:  
01/13/16 FELDER

**WEDNESDAY, JANUARY 13, 2016**

**CO-SPONSOR ADDED**

Bill Number: H. 4505  
Date: ADD:  
01/13/16 YOW

**CO-SPONSOR ADDED**

Bill Number: H. 4508  
Date: ADD:  
01/13/16 YOW

**CO-SPONSOR ADDED**

Bill Number: H. 4545  
Date: ADD:  
01/13/16 FELDER

**CO-SPONSORS ADDED**

Bill Number: H. 4548  
Date: ADD:  
01/13/16 CLEMMONS, CROSBY, V. S. MOSS, JEFFERSON,  
SOTTILE, YOW, DUCKWORTH,  
H. A. CRAWFORD, JORDAN, FRY,  
HERBKERSMAN, LOWE, GOLDFINCH, HIXON,  
NORMAN, HIOTT, TAYLOR, MCCOY,  
D. C. MOSS, COLLINS, RUTHERFORD,  
ANDERSON and KIRBY

**CO-SPONSOR ADDED**

Bill Number: H. 4568  
Date: ADD:  
01/13/16 FELDER

**CO-SPONSOR ADDED**

Bill Number: H. 4573  
Date: ADD:  
01/13/16 YOW

**CO-SPONSORS ADDED**

Bill Number: H. 4577  
Date: ADD:  
01/13/16 D. C. MOSS and G. R. SMITH

**WEDNESDAY, JANUARY 13, 2016**

**CO-SPONSOR ADDED**

Bill Number: H. 4579  
Date: ADD:  
01/13/16 FELDER

**H. 4632--DEBATE ADJOURNED**

The following Joint Resolution was taken up:

H. 4632 -- Rep. Allison: A JOINT RESOLUTION TO REVISE APPLICABILITY OF CERTAIN STUDENT ASSESSMENT STATUTES FOR THE 2015-2016 SCHOOL YEAR.

Rep. ALLISON explained the Joint Resolution.

Rep. WHITE moved to adjourn debate upon the following Joint Resolution until Thursday, January 14, which was adopted:

**H. 4633--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 4633 -- Reps. Bingham and Limehouse: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH AN INDEPENDENT SCHOOL MUST APPLY TO BECOME AN ELIGIBLE INSTITUTION FOR PURPOSES OF THE EDUCATIONAL TAX CREDIT FOR EXCEPTIONAL NEEDS CHILDREN UNTIL FEBRUARY 15, 2016.

Rep. BINGHAM explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 111; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	H. A. Crawford
Crosby	Danig	Delleney

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hixon
Hodges	Horne	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mack	McCoy
McEachern	M. S. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Norman	Norrell	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Tinkler	Weeks	Wells
Whipper	White	Whitmire
Williams	Willis	Yow

**Total--111**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. DELLENEY.

**WEDNESDAY, JANUARY 13, 2016**

**H. 3868--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3868 -- Reps. Pitts, White, Goldfinch, Hardee and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "WETLANDS CONSERVATION ACT"; TO AMEND SECTION 12-24-95, RELATING TO DEED RECORDING FEES, SO AS TO INCREASE THE PORTION OF A STATE DEED RECORDING FEE THAT MUST BE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND FROM TWENTY-FIVE CENTS TO THIRTY CENTS; TO AMEND SECTION 48-59-60, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, SO AS TO REQUIRE THAT ANY FUNDS COLLECTED BY THE SOUTH CAROLINA CONSERVATION BANK IN EXCESS OF THE AMOUNT AUTHORIZED IN THE ANNUAL APPROPRIATIONS BILL MUST BE TRANSFERRED TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-59-70, RELATING TO TRUST FUND GRANTS AND CONSERVATION CRITERIA, SO AS TO ADD ISOLATED WETLANDS AND CAROLINA BAYS TO THE CONSERVATION CRITERIA, TO ADD THE VALUE OF A PROPOSAL ON WILDLIFE MANAGEMENT AREAS OWNED AND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES TO THE CONSERVATION CRITERIA, AND TO ALLOW THE BOARD TO AUTHORIZE UP TO EIGHT AND THIRTY-THREE ONE HUNDREDTHS PERCENT OF THE MONIES CREDITED TO THE TRUST FUND TO APPLICATIONS THAT SOLELY MEET THE NEW CONSERVATION CRITERIA AND LIMIT THE AWARD OF MONEY TO APPLICATIONS FOR ACQUISITION OF INTERESTS IN LAND SOLELY FOR THE SITES OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE; TO AMEND SECTION 48-59-75, RELATING TO RESTRICTIONS ON THE TRANSFER OF DEED RECORDING FEES TO THE TRUST FUND, SO AS TO PROVIDE THE TRANSFER OF RECORDING FEES AND OTHER APPROPRIATED FUNDS TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND MUST BE DECREASED BY TWICE THE AVERAGE PERCENTAGE REDUCTION OF APPROPRIATIONS TO EACH AGENCY AND DEPARTMENT IN A FISCAL YEAR WHEN THE GENERAL ASSEMBLY PROVIDES LESS APPROPRIATIONS THAN WHAT

**WEDNESDAY, JANUARY 13, 2016**

WAS PROVIDED FOR IN THE PREVIOUS YEAR TO AT LEAST ONE-HALF OF ALL STATE AGENCIES OR DEPARTMENTS.

Rep. PITTS moved to adjourn debate on the Bill until Wednesday, January 20, which was agreed to.

**H. 3521--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3521 -- Reps. Limehouse, Putnam, Clemmons, Rivers, Yow, Burns, Loftis and Chumley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-250 SO AS TO PREVENT A COURT OR OTHER ENFORCEMENT AUTHORITY FROM ENFORCING FOREIGN LAW INCLUDING, BUT NOT LIMITED TO, SHARIA LAW IN THIS STATE FROM A FORUM OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES UNDER CERTAIN CIRCUMSTANCES.

Rep. HILL moved to adjourn debate on the Bill until Tuesday, January 26, which was agreed to.

**H. 3440--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3440 -- Reps. Crosby, Daning, George and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-3-115 AND 56-5-3715 SO AS TO PROVIDE THAT A MOPED MUST BE REGISTERED, CARRY LIABILITY INSURANCE, AND MAY NOT BE OPERATED ON A PUBLIC ROAD THAT HAS A SPEED LIMIT GREATER THAN THIRTY-FIVE MILES AN HOUR; TO AMEND SECTIONS 56-1-1720 AND 56-1-1730, RELATING TO THE OPERATION OF MOPEDS ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON WHOSE DRIVER'S LICENSE HAS BEEN SUSPENDED MAY NOT BE ISSUED A MOPED OPERATOR'S LICENSE OR ALLOWED TO OPERATE A MOPED DURING HIS PERIOD OF SUSPENSION.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 3440 (COUNCIL\NBD\3440C001.NBD.NBD15), which was adopted:

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56-1-10 of the 1976 Code, as last amended by Act 216 of 2010, is further amended to read:

“Section 56-1-10. For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

(1) ‘Driver’ means every person who drives or is in actual physical control of a vehicle.

(2) ‘Operator’ means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) ‘Owner’ means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. This term also includes a person to whom a moped is registered if the moped is not titled.

(4) ‘Department’ means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section 56-3-840.

(5) ‘State’ means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.

(6) ‘Highway’ means the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel.

(7) ‘Motor vehicle’ means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(8) ‘Motorcycle’ means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor and a moped.

(9) ‘Nonresident’ means every person who is not a resident of this State.

(10) ‘Nonresident’s operating privilege’ means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.

**WEDNESDAY, JANUARY 13, 2016**

(11) 'Conviction' means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(12) 'Cancellation of driver's license' means the annulment or termination by formal action of the Department of Motor Vehicles of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.

(13) 'Revocation of driver's license' means the termination by formal action of the Department of Motor Vehicles of a person's driver's license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.

(14) 'Suspension of driver's license' means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.

(15) 'Automotive three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having an automotive type steering device, but excluding a tractor or motorcycle three-wheel vehicle.

(16) 'Alcohol' means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(17) 'Alcohol concentration' means:

(a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or

(b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

(18) 'Motorcycle three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle

**WEDNESDAY, JANUARY 13, 2016**

type steering device but excluding a tractor or automotive three-wheel vehicle.

(19) 'Low speed vehicle' or 'LSV' means a four-wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty-five miles an hour on a paved level surface, and whose GVWR gross vehicle weight rating (GVWR) is less than three thousand pounds.

(20) 'All terrain vehicle' or 'ATV' means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off-road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(21) 'Operator' or 'driver' means a person who is in actual physical control of a motor vehicle.

(22) 'Person' means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term 'person' is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.

(23) 'Office of Motor Vehicle Hearings' means the Office of Motor Vehicle Hearings created by Section 1-23-660. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.

(24) 'Administrative hearing' means a 'contested case hearing' as defined in Section 1-23-310. It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.

(25) 'Home jurisdiction' means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(26) 'Moped' means a cycle, defined as a motor vehicle, with or without pedals, to permit propulsion by human power, that travels on not more than three wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor less than fifty cubic centimeters; or designed to have an input of less than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

**WEDNESDAY, JANUARY 13, 2016**

(27) ‘Daylight hours’ means after six o’clock A.M. and no later than six o’clock P.M. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, ‘daylight hours’ means after six o’clock a.m. and no later than eight o’clock p.m. All other hours are designated as nighttime hours.

(28) ‘Vehicle’ means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.”

SECTION 2. Section 56-1-30 of the 1976 Code is amended to read:

“Section 56-1-30. The following persons are exempt from licenses under this ~~article~~ chapter:

(1) Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless the employee is required by the United States Government or the Federal agency by which he is employed to have a State driver’s license;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator’s or chauffeur’s license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator’s or chauffeur’s license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident’s spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car.

**WEDNESDAY, JANUARY 13, 2016**

(5) Any person on active duty in the Armed Services of the United States who has in his immediate possession a valid driver's license issued in a foreign country or by the Armed Services of the United States may operate a motor vehicle in this State for a period of not more than ninety days from the date of his return to the United States; and

(6) A citizen of a foreign jurisdiction whose licensing procedure is at least as strict as South Carolina's, as determined by the Department of Motor Vehicles, who is at least eighteen years of age, who is employed in South Carolina, and who has a valid driver's license issued by that jurisdiction may drive in this State for five years if the foreign jurisdiction provides a reciprocal arrangement for South Carolina residents. The provisions of this item also shall apply to the dependents of foreign nationals who qualify under this section."

SECTION 3. Section 56-1-50 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

"Section 56-1-50. (A) A person who is at least fifteen years of age may apply to the Department of Motor Vehicles for a beginner's permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner's permit which entitles the applicant having the permit in his immediate possession to drive a motor vehicle under the conditions contained in this section on the public highways for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o'clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o'clock a.m. unless accompanied by the permittee's licensed parent or guardian;

(2) ~~motorcycles or mopeds, motor scooters, or light motor driven cycles of five brake horsepower or less after six o'clock a.m. and not later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the permittee may operate motor scooters or light motor driven cycles after six o'clock a.m. and not later than eight o'clock p.m. during daylight hours.~~ A permittee may not operate a motorcycle or moped, motor scooter, or light motor driven cycle at any other time unless supervised by the permittee's motorcycle licensed parent or guardian.

**WEDNESDAY, JANUARY 13, 2016**

(C) The accompanying driver must occupy a seat beside the permittee, except when the permittee is operating a motorcycle or moped. A three-wheel vehicle requires the accompanying driver to be directly behind the permittee on a saddle-type seat or beside the permittee on a bench-type seat.

(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months, but the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner's permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver's training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~— Fees and Penalties — General Fund — Department of  
— Collected After — of the State — Transportation  
——— State Non-Federal Aid  
——— Highway Fund~~

WEDNESDAY, JANUARY 13, 2016

~~June 30, 2005~~ 60 percent ~~40 percent~~  
~~June 30, 2006~~ 20 percent ~~80 percent~~  
~~June 30, 2007~~ 0 percent ~~100 percent.~~”

SECTION 4. Section 56-1-175 of the 1976 Code is amended to read:

“Section 56-1-175. (A) The Department of Motor Vehicles may issue a conditional driver’s license to a person who is at least fifteen years of age and less than sixteen years of age, who has:

- (1) held a beginner’s permit for at least one hundred eighty days;
- (2) passed a driver’s education course as defined in subsection (E);
- (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person’s licensed parent or guardian;
- (4) passed successfully the road tests or other requirements the department may prescribe; and
- (5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) A conditional driver’s license is valid only in the operation of:

- (1) vehicles during daylight hours. The holder of a conditional license must be accompanied by a licensed adult twenty-one years of age or older after six o’clock p.m. or eight o’clock p.m. during daylight saving time. A conditional driver’s license holder may not drive between midnight and six o’clock a.m., unless accompanied by the holder’s licensed parent or guardian; or
- (2) ~~a motor scooter or light motor driven cycle of five brake horsepower or less, during daylight hours.~~ mopeds during daylight hours.

(C) A conditional driver’s license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult who is twenty-one years of age or older. This restriction does not apply when the conditional driver’s license holder is transporting family members, or students to or from school.

(D) ~~Daylight hours, as used in this section, means after the hour of six o’clock a.m. and no later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the conditional license may operate a vehicle after six o’clock a.m. and no later than eight o’clock p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

**WEDNESDAY, JANUARY 13, 2016**

~~(E)~~ A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instructor permit contained in Section 56-23-85.

~~(F)~~~~(E)~~ For purposes of issuing a conditional driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students."

SECTION 5. Section 56-1-180 of the 1976 Code is amended to read:

"Section 56-1-180. (A) The Department of Motor Vehicles may issue a special restricted driver's license to a person who is at least sixteen years of age and less than seventeen years of age, who has:

(1) held a beginner's permit for at least one hundred eighty days;

(2) passed a driver's education course as defined in subsection (F);

(3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;

(4) passed successfully the road test or other requirements the department may prescribe; and

(5) satisfied the school attendance requirement contained in Section 56-1-176.

(B) The special restricted driver's license is valid only in the operation of:

(1) vehicles during daylight hours. During nighttime hours, the holder of a special restricted driver's license must be accompanied by a licensed adult, twenty-one years of age or older. The holder of a special restricted driver's license may not drive between midnight and six o'clock a.m., unless accompanied by the holder's licensed parent or guardian. The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with:

(a) employment or the opportunity for employment;

(b) travel between the licensee's home and place of employment or school; or

(c) travel between the licensee's home or place of employment and vocational training;

WEDNESDAY, JANUARY 13, 2016

(2) ~~a motor scooter or light motor driven cycle of five brake horsepower or less during daylight hours. mopeds during daylight hours.~~

(C) The waiver or modification of restrictions provided for in ~~item~~ subsection (B)(1) must include a statement of the purpose of the waiver or modification executed by the parents or legal guardian of the holder of the restricted license and documents executed by the driver's employment or school official, as is appropriate, evidencing the holder's need for the waiver or modification.

(D) A special restricted license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult twenty-one years of age or older. This restriction does not apply when the special restricted license holder is transporting family members or students to or from school.

(E) ~~Daylight hours, as used in this section, means after the hour of six o'clock a.m. and no later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the special restricted license may operate a vehicle after six o'clock a.m. and no later than eight o'clock p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

(~~F~~) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instruction permit contained in Section 56-23-85.

(~~G~~)(F) For purposes of issuing a special restricted driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students."

SECTION 6. Section 56-1-185 of the 1976 Code is amended to read:

"Section 56-1-185. (A) A person while operating a motor vehicle under a conditional or a special restricted driver's license who is convicted of a traffic offense or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver's license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age.

(B) A person while operating a motor vehicle under a beginner's permit or a conditional or a special restricted driver's license or a person

**WEDNESDAY, JANUARY 13, 2016**

who is younger than seventeen years of age while operating a motor vehicle under a moped operator's license who is convicted of one or more point-assessable traffic offenses totaling six or more points, as determined by the values contained in Section 56-1-720, shall have his license suspended by the Department of Motor Vehicles for six months. This suspension shall not preclude other penalties otherwise provided for the same violations.

(C) The department may not issue a beginner's permit or special restricted license as provided for in Sections 56-1-50 and 56-1-180 to any person convicted of a second or subsequent violation of operating a moped on the public highways of this State while under age or without a license, until that person is at least fifteen and one-half years of age."

SECTION 7. Section 56-1-1710 of the 1976 Code is amended to read:

~~"Section 56-1-1710. For purposes of this article, "moped" means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. Reserved."~~

SECTION 8. Section 56-1-1720 of the 1976 Code is amended to read:

~~"Section 56-1-1720. Until January 1, 1987, no person under the age of twelve may operate a moped on the public highways and streets of this State. After December 31, 1986, to operate a moped on the public highways and streets of this State, a person must possess a valid driver's license issued under Article 1 of this chapter or a valid moped operator's license issued under this article, except that a person whose driver's license has been suspended for a period of six months or less is not required to obtain a moped operator's license or possess a valid driver's license during the period of suspension. From January 1, 1987, to December 31, 1987, the Department shall not issue a moped operator's license to any person who is less than thirteen years of age. After December 31, 1987, the~~ (A) To operate a moped on the public highways and streets of this State, a person must possess a valid driver's license issued under Article 1 of this chapter or a valid moped operator's license issued under this article. The Department of Motor Vehicles shall

WEDNESDAY, JANUARY 13, 2016

not issue a moped operator's license to any person who is less than fourteen years of age.

(B) Any person who ~~violates~~ operates a moped in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than twenty-five dollars nor more than fifty dollars and, upon conviction of a second or subsequent offense, must be fined not less than fifty dollars nor more than one hundred dollars.

~~The Department may not issue a beginner's permit or special restricted license as provided for in Sections 56-1-50 and 56-1-180 to any person convicted of a second or subsequent violation of operating a moped on the public highways and roads of this State while under age, until that person is at least fifteen and one-half years of age."~~

SECTION 9. Section 56-1-1730 of the 1976 Code is amended to read:

"Section 56-1-1730. (A) A person is eligible for a moped operator's license without regard to his eligibility for or the status of any other driver's license or permit.

(B) The Department of Motor Vehicles may suspend, revoke, or cancel a moped operator's license only for violations committed while operating a moped. A moped operator's license may be suspended, revoked, or canceled in the same manner and upon the same grounds for which any other motor vehicle operator's license or permit may be suspended, revoked, or canceled.

(C) No person may operate a moped at a speed in excess of thirty-five miles an hour as provided in Section 56-5-1555 and is subject to the fines and penalties provided pursuant to that section."

SECTION 10. Section 56-1-1740 of the 1976 Code is amended to read:

"Section 56-1-1740. (A) The Department of Motor Vehicles shall examine every applicant for a moped operator's license. The examination shall include a test of the applicant's eyesight and, as pertains to the operation of a moped, a test of his ability to read and understand highway signs regulating, warning, and directing traffic and his knowledge of the traffic laws of this State. The department may require further physical and mental examination as it considers necessary to determine the applicant's fitness to operate a moped upon the highways, the further examination to be at the applicant's expense. The department shall make provisions for giving an examination in the county where the applicant resides. The department shall charge ~~a fee of two~~ an appropriate fee not to exceed ten dollars to defray the expenses

**WEDNESDAY, JANUARY 13, 2016**

of the department for each complete examination or reexamination required in this article.

(B) The expiration and renewal of moped operator's licenses must be in accordance with Sections 56-1-210, 56-1-220, and 56-1-225."

SECTION 11. Section 56-2-2740(C) of the 1976 Code is amended to read:

"(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles not requiring the payment of property taxes."

SECTION 12. Chapter 2, Title 56 of the 1976 Code is amended by adding:

"Article 3  
Mopeds

Section 56-2-3000. A person operating a moped on a public road or highway must at all times have in his possession a valid moped operator's license or valid driver's license pursuant to the requirements of Chapter 1 of this title.

Section 56-2-3010. (A) Beginning July 1, 2018 a moped operated on a public road or highway:

(1) must be registered and licensed with the Department of Motor Vehicles in the same fashion as passenger vehicles pursuant to this title; and

(2) must be insured subject to the same insurance requirements applicable to an individual private passenger automobile pursuant to Title 38 of the 1976 Code.

(B) The Department of Motor Vehicles shall establish a special size and class of license plates for mopeds that clearly identifies the motor vehicle as a moped and distinctive numbering and/or lettering so as to be identifiable to law enforcement.

(C) Mopeds are not required to be titled in this State.

(D) If a manufacturer's certificate of origin states the vehicle is a 'motor scooter', 'motor-driven cycle', or any similar term, the definitions of 'motorcycle' and 'moped', as shown in Section 56-1-10, must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

Section 56-2-3020. (A) A privately owned and operated moped of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed pursuant to this chapter, subject to the conditions that at all times when operated in this State the moped:

**WEDNESDAY, JANUARY 13, 2016**

(1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and

(2) has displayed or issued a valid registration, registration card, license plate or decal, or other indicia satisfactorily evidencing compliance with the requirements of the owner's home jurisdiction.

(B) The moped of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident's:

(1) subsequent establishment of domicile in this State; or

(2) operation of the moped in this State for an accumulated period exceeding one hundred and eighty days.

Section 56-2-3030. An owner of a moped required to be registered in this state shall make application to the Department of Motor Vehicles for the registration and licensing of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

Section 56-2-3040. An application for registration and licensing of a moped shall contain:

(1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation;

(2) a description of the vehicle including, insofar as this exists with respect to a given vehicle, the make, model, type of body, number of cylinders, serial number or other identifying number of the vehicle, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the vehicle;

(3) other information that reasonably may be required by the Department of Motor Vehicles to enable it to determine whether the vehicle is lawfully entitled to registration and licensing;

(4) the application shall be accompanied by a bill of sale and a vehicle registration certificate, Manufacturer's Certificate of Origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine or wattage of the engine, as applicable.

Section 56-2-3050. The department, at the request of the owner, may issue a title for the moped in conjunction with the moped registration, provided that the owner makes application for title on the appropriate form and provides the department with a Manufacturer's Statement of Origin or a prior title. If an owner cannot provide a Manufacturer's Statement of Origin or prior title, the moped may be registered, but not titled.

**WEDNESDAY, JANUARY 13, 2016**

Section 56-2-3060. (A) A person is guilty of a misdemeanor who:

- (1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this chapter;
- (2) knowingly makes a false statement in an application; or
- (3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation or movement of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor.

Section 56-2-3065. A moped, while traveling along a multi-lane highway, must be operated in the farthest right lane except when making a left turn.

Section 56-2-3070. (A) A person may not ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A moped may not be used to carry more persons at one time than the number for which it is designed and equipped by the manufacturer.

(B) A person, while operating a moped, and his passenger must each wear a reflective vest that at a minimum is ANSI/ISEA Class 1 standard.

Section 56-2-3080. It is unlawful for a person to operate a moped on the public roads in this State that have a speed limit of greater than fifty-five miles per hour. A moped is not prohibited from crossing an intersection at a public road with a speed limit in excess of fifty-five miles per hour.

Section 56-2-3090. (A) It is unlawful for a person to sell a new 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:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) operable headlight and running lights;
- (4) brake lights which are operable when either brake is deployed; and
- (5) a flashing red rear tail light that is continuously engaged while the vehicle is in operation.

(B) 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 56-2-3100. The operator of a moped must have the operational lights turned on at all times while the moped is in operation on the public highways and streets of this State and have the following equipment turned on and in operation:

- (1) the head lights and operational lights; and

**WEDNESDAY, JANUARY 13, 2016**

(2) the continuously flashing rear red tail light.

Section 56-2-3110. (A) Prior to July 1, 2018, a person who sells, solicits, or advertises the sale of mopeds clearly and conspicuously shall label each moped with its specifications including, but not limited to, the brake horsepower of the motor and the maximum speed of the vehicle on level ground. The seller also shall attach a metal identification plate to each moped without pedals identifying the vehicle as a moped. This plate must be designed by the Department of Motor Vehicles and must display information the department considers necessary for enforcement purposes. The plate must be displayed permanently on each moped without pedals and must not be removed. A seller of mopeds who fails to label a moped, fails to attach a metal identification plate to a moped, knowingly labels a motorcycle or motor-driven cycle as a moped, or attaches a metal identification plate to a motorcycle or motor-driven cycle identifying the vehicle as a moped, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

(B) It is unlawful for a person to operate a moped without pedals upon the public highways and streets of this State without displaying the metal identification plate which must be attached to the vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

(C) Each vehicle which is incorrectly labeled or plated and each moped which is not labeled or plated is a separate violation of this section.

Section 56-2-3120. A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including but not limited to, age restrictions, maximum speeds, and the definition of a moped.

Section 56-2-3130. A person or entity selling mopeds is not required to obtain a motor vehicle dealer's license."

SECTION 13. Chapter 2, Title 56 of the 1976 Code is amended by adding:

"Section 56-2-4000. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished

**WEDNESDAY, JANUARY 13, 2016**

by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.”

SECTION 14. Section 56-3-20 of the 1976 Code is amended to read:

“Section 56-3-20. For purposes of this chapter, the following words and phrases are defined as follows:

(1) ~~‘Vehicle’ means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Reserved.~~

(2) ~~‘Motor vehicle’ means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. Reserved.~~

(3) ~~‘Motoreycle’ means every motoreycle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor. Reserved.~~

(4) ~~‘Motor driven cycle’ means every motoreycle, including every motor scooter, with a motor which produces not to exceed five horsepower. Reserved.~~

(5) ‘Authorized emergency vehicle’ means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.

(6) ‘School bus’ means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.

(7) ‘Truck tractor’ means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.

(8) ‘Farm tractor’ means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) ‘Road tractor’ means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) ‘Truck’ means every motor vehicle designed, used, or maintained primarily for the transportation of property.

**WEDNESDAY, JANUARY 13, 2016**

(11) 'Special mobile equipment' includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditchdigging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) 'Bus' means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) 'Trailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) 'Semitrailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) 'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) 'Foreign vehicle' means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) 'Implement of husbandry' means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

(18) 'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(19) 'Gross weight' or 'gross weight vehicle' means the weight of a vehicle without load plus the weight of any load on it.

**WEDNESDAY, JANUARY 13, 2016**

(20) 'Load capacity' means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.

(21) 'Owner' means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.

(22) ~~'Nonresident' means every person who is not a resident of this State.~~ Reserved.

(23) 'Dealer' or 'motor vehicle dealer' means both 'dealer' and 'wholesaler' as defined in Chapter 15 of this title.

(24) ~~[Deleted]~~ Reserved.

(25) 'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.

(26) 'Odometer' means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(27) 'Odometer reading' means actual cumulative distance traveled disclosed on the odometer.

(28) 'Odometer disclosure statement' means a statement, as prescribed by item (4) of Section 56-3-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(29) ~~'Moped' means every cycle with pedals to permit propulsion by human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one half brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty five miles per hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.~~ Reserved.

(30) 'Automotive three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having

**WEDNESDAY, JANUARY 13, 2016**

an automotive type steering device, but excluding a tractor or motorcycle three-wheel vehicle.

(31) ~~‘Motorcycle three-wheel vehicle’ means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device, but excluding a tractor or automotive three-wheel vehicle. Reserved.~~”

SECTION 15. Section 56-3-200 of the 1976 Code is amended to read:

“Section 56-3-200. Except in the case of a moped or as otherwise provided for in Chapter 19 of this title, the Department of Motor Vehicles shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the Department to the owner or an application ~~therefor~~ has been delivered by the owner to the department.”

SECTION 16. Section 56-3-250 of the 1976 Code is amended to read:

“Section 56-3-250. No vehicle shall be registered and licensed by the Department of Motor Vehicles unless a signed statement accompanies the application certifying that all county and municipal taxes legally due by the applicant on the vehicle concerned have been paid and if such vehicle is legally subject to being returned by the applicant for county and municipal taxes such return has been made; that the applicant is not delinquent in the payment of any motor vehicle taxes in this State, and that the address and county shown on the application for license is the true legal residence of the applicant. A transfer between members of the same family shall not, for the purpose of this section, be considered a bona fide purchase. Any person falsely certifying as required in this section shall have his driver’s license suspended for a period of six months.

The provisions of this section shall not apply to a moped, to any citizen of this State on active duty with the Armed Forces of the United States when the vehicle to be registered and licensed is operated for more than six months each year outside the boundaries of this State, nor to any motor vehicle subject to assessment for ad valorem tax purposes by the ~~State Tax Commission~~ Department of Revenue.”

SECTION 17. Section 56-3-630 of the 1976 Code, as last amended by Act 398 of 2006, is further amended to read:

“Section 56-3-630. The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer

**WEDNESDAY, JANUARY 13, 2016**

persons and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less, except a motorcycle, motorcycle three-wheel vehicle, or ~~motor-driven cycle moped~~. The department shall classify a three-wheel vehicle by the ~~manufacturers~~ manufacturer's statement of origin for the vehicle's initial registration. For subsequent registration, the department shall classify the three-wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section 56-3-660."

SECTION 18. Section 56-3-760 of the 1976 Code is amended to read:

"Section 56-3-760. For every motorcycle, motorcycle three-wheel vehicle, or ~~motor-driven cycle moped~~ the biennial registration fee is ten dollars."

SECTION 19. Section 56-5-120 of the 1976 Code is amended to read:

"Section 56-5-120. ~~Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks, is a "vehicle. Reserved.~~"

SECTION 20. Section 56-5-130 of the 1976 Code is amended to read:

"Section 56-5-130. ~~Every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, is a "motor vehicle". Reserved.~~"

SECTION 21. Section 56-5-140 of the 1976 Code is amended to read:

"Section 56-5-140. ~~Every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor, is a "motorecycle". Reserved.~~"

SECTION 22. Section 56-5-150 of the 1976 Code is amended to read:

"Section 56-5-150. ~~Every motorecycle, including every motor scooter, with a motor which produces not to exceed five horsepower is a "motor-driven cycle". Reserved.~~"

SECTION 23. Section 56-5-155 of the 1976 Code is amended to read:

"Section 56-5-155. ~~A motorecycle three-wheel vehicle means a motor vehicle having no more than three permanent functional wheels in contact with the ground and includes motorecycles with detachable side~~

WEDNESDAY, JANUARY 13, 2016

~~ears, having a saddle type seat for the operator, and handle bars or a motorcycle type steering device, but excludes a tractor or automotive three-wheel vehicle. Reserved.~~

SECTION 24. Section 56-5-165 of the 1976 Code is amended to read:

~~“Section 56-5-165. Notwithstanding the provisions of Section 56-5-160, every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground is a moped. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. Reserved.”~~

SECTION 25. Section 56-5-361 of the 1976 Code is amended to read:

~~“Section 56-5-361. Every motor vehicle except motorcycles and motor driven cycles mopeds, designed for carrying ten passengers or less and used for the transportation of persons is a ‘passenger car’.”~~

SECTION 26. Section 56-5-410 of the 1976 Code is amended to read:

~~“Section 56-5-410. An “owner” is a person, other than a lienholder, having the property or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security. Reserved.”~~

SECTION 27. Section 56-5-1550 of the 1976 Code is amended to read:

~~“Section 56-5-1550. No person shall operate any motor driven cycle at any time mentioned in Section 56-5-4450 at a speed greater than thirty five miles per hour unless such motor driven cycle is equipped with head lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. Reserved.”~~

SECTION 28. Section 56-5-1555 of the 1976 Code is amended to read:

~~“Section 56-5-1555. No person may operate a moped at a speed in excess of ~~twenty five~~ thirty-five miles an hour. 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.”~~

**WEDNESDAY, JANUARY 13, 2016**

SECTION 29. Section 56-5-4450 of the 1976 Code is amended to read:

“Section 56-5-4450. (A) Every vehicle upon a street or highway within this State shall display lighted lamps and illuminating devices, excluding parking lights, from a half hour after sunset to a half hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead as required in this article for different classes of vehicles, subject to exceptions with respect to parked vehicles as provided in this article; provided, however, the provisions of this section requiring use of lights in conjunction with the use of windshield wipers shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

~~Until January 1, 1989, any person who fails to display the lights of a vehicle he is operating when lights are required by this section due to inclement weather or environmental factors may be issued only a warning ticket.~~

(B) Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be fined up to twenty-five dollars.”

SECTION 30. Section 56-9-20(4), (5), (6), (7), (8), and (9) of the 1976 Code is amended to read:

“(4) ‘Motor vehicle’: Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles but excepting traction engines, road rollers, farm tractors, tractor cranes, power shovels, ~~mopeds~~, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;

(5) ‘Motor vehicle liability policy’: An owner’s or an operator’s policy of liability insurance that fulfills all the requirements of Sections 38-77-140 through 38-77-230, certified as provided in Section 56-9-550 or 56-9-560 as proof of financial responsibility and issued, except as otherwise provided in Section 56-9-560, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person or persons named therein as insured, and any other person, as insured, using the vehicle described therein with the express or implied permission of the named insured, and subject to the following special conditions:

**WEDNESDAY, JANUARY 13, 2016**

(a) Contents of motor vehicle liability policy. The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all of the provisions of this chapter.

(b) Provisions deemed incorporated in such policy. Every motor vehicle liability policy is subject to the following provisions, which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs;

(2) The policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage;

(3) No Statement made by the insured or on his behalf and no violation of the policy shall defeat or void the policy;

(4) The satisfaction by the insured of a judgment for the injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(5) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Section 38-77-140; and

(6) The policy, written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(c) What policy need not cover. The motor vehicle liability policy need not insure any liability under the Workers' Compensation Law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of the motor vehicle, nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(d) Additional coverage permitted. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and the excess or additional coverage

**WEDNESDAY, JANUARY 13, 2016**

shall not be subject to the provisions of this chapter. With respect to a policy which grants this excess or additional coverage, the term 'motor vehicle liability policy' shall apply only to that part of the coverage which is required by this article.

(e) Additional permissible provisions. Any motor vehicle liability policy may provide:

(1) That the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter; and

(2) For the prorating of the insurance thereunder with other valid and collectible insurance.

(f) Requirements may be met by several policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(g) Legal binder deemed to meet requirements. Any legal binder issued pending the issuance of a motor vehicle liability policy shall be considered as fulfilling the requirements for such policy.

(h) Notice required to cancel certified policy; cancellation by subsequent policy. When an insurance carrier has certified a motor vehicle liability policy under Sections 56-9-550 or 56-9-560, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance certified shall be filed with the Department of Motor Vehicles, except that a policy subsequently procured and certified shall at 12:01 A. M., on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

(i) Other required policies unaffected. This chapter shall not be held to apply to or affect policies of automobile insurance against liability insuring public carriers or policies which may be required by any other law of this State, any law or ordinance of any municipality or any law or regulation of the United States or any of its agencies, and those policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(j) Chapter inapplicable to policies covering use by employees, etc., of vehicles not owned by insured. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by the persons in

WEDNESDAY, JANUARY 13, 2016

the insured's employ or on his behalf of motor vehicles not owned by the insured;

(6) ~~'Nonresident.'~~ Every person who is not a resident of this State; Reserved.

(7) ~~'Nonresident operating privilege.'~~ The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by him of a motor vehicle or the use of a motor vehicle owned by him in this State; Reserved.

(8) ~~'Operator.'~~ Every person who is in actual physical control of a motor vehicle, whether or not licensed as an operator or chauffeur under the laws of this State; Reserved.

(9) ~~'Owner.'~~ A person who holds the legal title of a motor vehicle or a person to whom a moped is registered, or, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purposes of this chapter;"

SECTION 31. Section 56-9-110 of the 1976 Code is amended to read:

~~"Section 56-9-110. This chapter shall not apply with respect to any accident or judgment arising therefrom or violation of the motor vehicle laws of this State, occurring prior to January 1, 1953. Reserved."~~

SECTION 32. Section 56-10-520 of the 1976 Code is amended to read:

~~"Section 56-10-520. (A) A person who owns an uninsured motor vehicle:~~

- ~~(1) licensed in the State; or~~
- ~~(2) subject to registration in the State;~~

~~that is licensed in the state or subject to registration in the state, who operates or permits the operation of that motor vehicle without first having paid to the director the uninsured motor vehicle fee required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.~~

~~(B)(1) A person who is the operator of an uninsured motor vehicle and not the titled owner, or in the case of a moped is not the registered owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must: for a:~~

**WEDNESDAY, JANUARY 13, 2016**

(a) first offense be fined no less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days; ~~for a~~

(b) second offense be fined two hundred dollars or imprisoned for thirty days, or both; or for a third or subsequent offense must be imprisoned for not less than forty-five days nor more than six months.

(2) Only convictions which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

(C) The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56-10-510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56-10-510 as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56-10-260.

(D) Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56-9-330. The director shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56-10-510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the

**WEDNESDAY, JANUARY 13, 2016**

driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person. The director shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension."

SECTION 33. Section 56-10-535 of the 1976 Code is amended to read:

"Section 56-10-535. The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle, or the registered owner of a moped has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.

However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such

**WEDNESDAY, JANUARY 13, 2016**

person of the requirement of furnishing proof of future financial responsibility.”

SECTION 34. Section 56-15-10(a) of the 1976 Code is amended to read:

“(a) ‘Motor vehicle’, any motor driven vehicle required to be registered under Section 56-3-110. ~~This~~ For purposes of this chapter, this definition does not include motorcycles or mopeds.”

SECTION 35. Section 56-16-10(a) of the 1976 Code is amended to read:

“(a) ‘Motorcycle’ ~~means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two wheels in contact with the ground~~ is defined in Section 56-1-10. ~~This section shall~~ chapter does not apply to bicycles with helper motors or vehicles defined in Section 56-1-1710.”

SECTION 36. Section 56-19-10 of the 1976 Code, as last amended by Act 317 of 2008, is further amended to read:

“Section 56-19-10. For the purposes of this chapter and Chapter 21 of Title 16, the following terms are defined as follows:

(1) ‘Authorized emergency vehicle’ means vehicles of the fire department, police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the chief of police or governing body of a municipality.

(2) ‘Bicycle’ means a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens’ tricycles.

(3) ‘Bus’ means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(4) ‘Dealer’ or ‘motor vehicle dealer’ means both ‘dealer’ and ‘wholesaler’, as defined in Chapter 15 of this title.

(5) ~~‘Driver’ means every person who drives or is in actual physical control of a vehicle.~~ Reserved.

(6) ‘Essential parts’ means all integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(7) ~~{Deleted}~~ Reserved.

(8) ‘Farm tractor’ means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

**WEDNESDAY, JANUARY 13, 2016**

(9) 'Foreign vehicle' means every vehicle of a type required to be registered under this title brought into this State from another state, territory, or country, other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this State.

(10) 'House trailer' means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(11) 'Identifying number' means the numbers and letters, if any, on a vehicle designated by the Department of Motor Vehicles for the purpose of identifying the vehicle.

(12) 'Implement of husbandry' means every vehicle, including mobile barns, designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(13) 'Lienholder' means a person holding a security interest in a vehicle.

(14) 'Mail' means to deposit in the United States mail, properly addressed and with postage prepaid.

(15) 'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this title at an established place of business in this State.

~~(16) 'Motor vehicle' means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~  
Reserved.

~~(17) 'Motorcycle' means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.~~  
Reserved.

**WEDNESDAY, JANUARY 13, 2016**

(18) ~~‘Motor driven cycle’ means every motorcycle, including every motor scooter with a motor which produces not to exceed five horsepower. Reserved.~~

(19) ~~‘Nonresident’ means every person who is not a resident of this State. Reserved.~~

(20) ~~‘Operator’ means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle. Reserved.~~

(21) ~~‘Owner’ means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security. Reserved.~~

(22) ‘Pole trailer’ means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(23) ‘Previously registered vehicle’ means a vehicle registered in this State on January 1, 1958, or a vehicle whose last registration before that date was in this State.

(24) ‘Reconstructed vehicle’ means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(25) ‘Registration’ means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

(26) ‘Road tractor’ means every motor vehicle designed and used for drawing other vehicles and not constructed to carry any load on it, either independently or any part of the weight of a vehicle or load drawn.

(27) ‘School bus’ means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

(28) ‘Security agreement’ means a written agreement which reserves or creates a security interest.

**WEDNESDAY, JANUARY 13, 2016**

(29) 'Security interest' means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance, except taxes or attachment liens provided for in Section 29-15-20. The term includes the interest of a lessor under a lease intended as security. A security interest is 'perfected' when it is valid against third parties generally, subject only to specific statutory exceptions.

(30) 'Semitrailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(31) 'Special mobile equipment' means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway including, but not limited to: ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(32) 'Specifically constructed vehicle' means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(33) 'Trackless trolley coach' means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(34) 'Trailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(35) 'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered under this title

**WEDNESDAY, JANUARY 13, 2016**

from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(36) 'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(37) 'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(38) ~~'Vehicle' means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~ Reserved.

(39) 'Mobile home' means every vehicle which is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but which exceeds the size limitations prescribed in Section 56-3-710 and which cannot be licensed and registered by the Department of Motor Vehicles as a 'house trailer'.

(40) 'Odometer' means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(41) 'Odometer reading' means actual cumulative distance traveled disclosed on the odometer.

(42) 'Odometer disclosure statement' means a statement, as prescribed by item (d) of subsection (1) of Section 56-19-240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(43) ~~'Moped' means, notwithstanding item (2), every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.~~ Reserved.

(44) ~~'Automotive three wheel vehicle' means a motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having an automotive type steering device, but excluding a tractor and a motorcycle three wheel vehicle.~~ Reserved.

WEDNESDAY, JANUARY 13, 2016

(45) ~~‘Motorcycle three wheel vehicle’ means a motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and handlebars or a motorcycle type steering device, but excluding a tractor or automotive three wheel vehicle. Reserved.~~”

SECTION 37. Section 56-19-220 of the 1976 Code is amended to read:

“Section 56-19-220. No certificate of title need be obtained for:

(1) A vehicle owned by the United States unless it is registered in this State;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by the manufacturer solely for testing;

(3) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment not required to be registered and licensed in this State;

(8) A pole trailer; ~~and~~

(9) ~~Vehicles~~ A vehicle not required to be licensed and registered in this State, except mobile homes;

(10) A vehicle used by its manufacturer in a benefit program for the manufacturer’s employees;

(11) A vehicle used by its manufacturer for testing, distribution, evaluation, and promotion, subject to the limitation in Section 56-3-2332(B)(2); ~~or~~

(12) A moped.”

SECTION 38. Section 38-77-30(5.5)(d) of the 1976 Code is amended to read:

“(d) Individual private passenger automobile does not include:

(i) motor vehicles that are used for public or livery conveyance or rented to others without a driver;

(ii) fire department vehicles, police vehicles, ambulances, and rescue squad vehicles which are publicly owned;

(iii) ~~motor driven cycles, motor scooters, and mopeds;~~

**WEDNESDAY, JANUARY 13, 2016**

~~(iv)~~ dune buggies, all-terrain vehicles, go carts, and snowmobiles;

~~(v)~~(iv) golf carts; and

~~(vi)~~(v) small commercial risks.

SECTION 39. Article 30, Chapter 5, Title 56 of the 1976 Code is repealed.

SECTION 40. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 41. This act takes effect six months after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. DANING spoke in favor of the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 67; Nays 41

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Ballentine	Bingham
Bradley	G. A. Brown	R. L. Brown
Burns	Clary	Clemmons
Cole	Collins	Corley
H. A. Crawford	Crosby	Daning
Dillard	Duckworth	Felder
Finlay	Forrester	Fry
George	Goldfinch	Govan

[HJ]

**WEDNESDAY, JANUARY 13, 2016**

Hamilton	Hardee	Hayes
Henderson	Hiott	Hixon
Hodges	Hosey	Huggins
Jefferson	Johnson	Kennedy
Kirby	Knight	Loftis
Lucas	Merrill	D. C. Moss
V. S. Moss	Nanney	Norman
Pitts	Pope	Quinn
Riley	Rivers	Robinson-Simpson
Sandifer	Simrill	G. R. Smith
Sottile	Southard	Spires
Tallon	Taylor	Tinkler
Whitmire	Williams	Willis
Yow		

**Total--67**

Those who voted in the negative are:

Anderson	Bamberg	Brannon
Clyburn	Delleney	Douglas
Erickson	Funderburk	Gagnon
Gambrell	Gilliard	Hart
Henegan	Herbkersman	Hicks
Hill	Horne	Howard
Jordan	King	Lowe
Mack	McCoy	McEachern
M. S. McLeod	Newton	Norrell
Ott	Parks	Putnam
Ridgeway	Rutherford	G. M. Smith
J. E. Smith	Stavrinakis	Stringer
Thayer	Weeks	Wells
Whipper	White	

**Total--41**

So, the Bill, as amended, was read the second time and ordered to third reading.

Rep. WILLIAMS moved that the House do now adjourn, which was agreed to.

**WEDNESDAY, JANUARY 13, 2016**

**ADJOURNMENT**

At 3:16 p.m. the House, in accordance with the motion of Rep. COBB-HUNTER, adjourned in memory of Mrs. Geraldine Hillard Matthews, wife of Senator John W. Matthews, Jr., of Bowman, to meet at 10:00 a.m. tomorrow.

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**WEDNESDAY, JANUARY 13, 2016**

H. 3166 .....	19	H. 4646 .....	5
H. 3177 .....	19	H. 4647 .....	6
H. 3408 .....	19	H. 4648 .....	6
H. 3440 .....	19, 24	H. 4649 .....	7
H. 3521 .....	24	H. 4650 .....	7
H. 3693 .....	19	H. 4651 .....	8
H. 3868 .....	23	H. 4652 .....	8
H. 4446 .....	19	H. 4653 .....	9
H. 4478 .....	19	H. 4654 .....	10
H. 4505 .....	20	H. 4655 .....	10
H. 4508 .....	20	H. 4656 .....	11
H. 4545 .....	20	H. 4657 .....	12
H. 4548 .....	20	H. 4658 .....	12
H. 4568 .....	20	H. 4659 .....	14
H. 4573 .....	20	H. 4660 .....	14
H. 4577 .....	20	H. 4661 .....	14
H. 4579 .....	21	H. 4662 .....	14
H. 4632 .....	21	H. 4663 .....	13
H. 4633 .....	21	H. 4664 .....	15
H. 4642 .....	3	H. 4665 .....	15
H. 4643 .....	4	H. 4666 .....	15
H. 4644 .....	13	H. 4667 .....	16
H. 4645 .....	4	H. 4668 .....	16