**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑29‑45 SO AS TO DESIGNATE THE SECOND WEEK OF NOVEMBER AS “YOUTH ATV SAFETY WEEK” IN THE PUBLIC SCHOOLS OF THIS STATE TO PROMOTE THE SAFE RECREATIONAL USE OF ALL‑TERRAIN VEHICLES BY YOUTH, TO REQUIRE RELATED CLASSROOM INSTRUCTION AND AN INSTRUCTIONAL ASSEMBLY FOR ALL STUDENTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN RELATED CURRICULUM, PROMOTIONAL, AND OTHER SUPPORT MATERIALS; AND TO DEFINE NECESSARY TERMINOLOGY.

Whereas, South Carolina offers a wealth of opportunities for outdoor recreation, among which recreational use of all‑terrain vehicles enjoys great popularity; and

Whereas, an understanding of the safe operation of all‑terrain vehicles is critically important, particularly among children because of their relative lack of physical strength and motor coordination needed to safely handle an all‑terrain vehicle, their limited maturity, and their perceptional and relative lack of cognitive abilities needed to react quickly and appropriately in dangerous situations; and

Whereas, in South Carolina, an average of six children die annually and an average of four hundred and fifty children are injured annually in all‑terrain vehicle use, making an understanding of the safe operation of all‑terrain vehicles a tremendous source of concern; and

Whereas, to promote among the children of South Carolina a firm awareness of the importance of the safe operation of all‑terrain vehicles, the South Carolina General Assembly finds it essential to create a related initiative in our public schools. Now, therefore,

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

SECTION 1. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑45. (A) For the purposes of this section, ‘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.

(B) To promote the safe recreational use of all‑terrain vehicles by youth in this State, each year the second full week in November is designated and must be recognized as ‘Youth ATV Safety Week’. During this week, each district board of trustees shall require each school principal to:

(1) require each class from kindergarten through twelfth grade have instruction for at least thirty minutes concerning the safe use of all‑terrain vehicles, laws applicable to the operation of all‑terrain vehicles, and the risks and dangers involved in the improper use of all‑terrain vehicles; and

(2) organize and conduct at least one assembly session during the week to address topics concerning the safe use of all‑terrain vehicles, laws applicable to the operation of all‑terrain vehicles, and the risks and dangers involved in the improper use of all‑terrain vehicles.

(C)(1) To help local schools carry out the purposes of this section, the State Department of Education shall provide each school with:

(a) suitable promotional materials for South Carolina Youth ATV Safety Week;

(b) grade‑appropriate curriculum for classroom instruction required in subsection (B)(1); and

(c) lecture materials and accompanying audiovisual materials appropriate to conduct an assembly required in subsection (B)(2). Three separate school‑level appropriate sets of these materials must be provided for elementary schools, middle schools, and high schools, respectively.

(2) The topics that curriculums and assemblies required in this section must address include:

(a) statistical information concerning injuries and deaths to children from ATV use nationally and in South Carolina; and

(b) the importance of operating an ATV that is the appropriate size for the child operator based on industry recommendations;

(c) the importance of using the appropriate safety gear;

(d) statutory restrictions on the legal operation of an ATV in South Carolina found in Chandler’s Law; and

(e) other topics the department or the State Board of Education considers appropriate.”

SECTION 2. This act takes effect upon approval by the Governor.

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