~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 30, 2017

**H. 3971**

Introduced by Rep. Willis

S. Printed 3/30/17--H.

Read the first time March 13, 2017.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3971) to amend Sections 56‑1‑10 and 56‑1‑130, both as amended, Section 56‑3‑20 and Section 56‑19‑10, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on March 13, 2017**

**State Expenditure**

The bill replaces the term automotive three-wheel vehicle with autocycle under the definition of a motor vehicle in Chapter 1 of Title 56 to conform with standard manufacturers definitions and to standardize the term across states. Additionally, the bill deletes subsequent references and definitions of automotive three-wheel vehicle and motorcycle three-wheel vehicle in Sections 56-3-20, 56-19-10, 56-5-145, and 56-5-155. These changes replace the term automotive three-wheel vehicle with autocycle and remove unnecessary additional references to these specific subcategories of motor vehicles in later sections of Title 56, but do not impact the licensing, titling, and registration requirements of autocycles or motorcycle three-wheel vehicles.

**Department of Motor Vehicles.** The agency indicates that this bill will have no expenditure impact on the general fund, other funds, or federal funds since the bill does not change the licensing, titling, and registration requirements of autocycles and motorcycle three-wheel vehicles.

**State Revenue**

The bill does not change the requirements for licensing, titling or registration of autocycles and motor three-wheel vehicles. As such, the bill is not expected to impact state revenues.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTIONS 56‑1‑10 AND 56‑1‑130, BOTH AS AMENDED, SECTION 56‑3‑20 AND SECTION 56‑19‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A DRIVER’S LICENSE, THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, THE TERM “AUTOMOTIVE THREE‑WHEEL VEHICLE” AND ITS DEFINITION, AND THE TERM “MOTORCYCLE THREE‑WHEEL VEHICLE” AND ITS DEFINITION, SO AS TO DELETE THE TERM “AUTOMOTIVE THREE‑WHEEL VEHICLE” AND REPLACE IT WITH THE TERM “AUTOCYCLE” AND TO REVISE ITS DEFINITION; AND TO REPEAL SECTIONS 56‑5‑145 AND 56‑5‑155 RELATING TO THE TERMS “AUTOMOTIVE THREE‑WHEEL VEHICLE” AND “MOTORCYCLE THREE‑WHEEL VEHICLE” AND THEIR DEFINITIONS.

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

SECTION 1. Sections 56‑1‑10(15) and (18) of the 1976 Code are amended to read:

“(15) ~~‘Automotive three‑wheel vehicle’~~ ‘Autocycle’ 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~~ seating that does not require the operator to straddle or sit astride it, and having an automotive type steering device, but excluding a tractor or motorcycle three‑wheel vehicle.

(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 type steering device but excluding a tractor or ~~automotive three‑wheel vehicle~~ ‘autocycle’.”

SECTION 2. Section 56‑1‑130(C) of the 1976 Code, as last amended by Act 42 of 2009, is further amended to read:

“(C)(1) A basic driver’s license authorizes the licensee to operate motor vehicles, ~~automotive three‑wheel vehicles~~ ‘autocycle’, motorcycle three‑wheel vehicles, excluding a motorcycle with a detachable side car, or combinations of vehicles which do not exceed twenty‑six thousand pounds gross vehicle weight rating; provided, that the driver has successfully demonstrated the ability to exercise ordinary and reasonable control in the operation of a motor vehicle in this category. A basic driver’s license also authorizes the licensee to operate farm trucks provided for in Sections 56‑3‑670, 56‑3‑680, and 56‑3‑690, which are used exclusively by the owner for agricultural, horticultural, and dairying operations or livestock and poultry raising. Notwithstanding another provision of law, the holder of a conditional license, or special restricted license operating a farm truck for the purposes provided in this subsection, may operate the farm truck without an accompanying adult after six o’clock a.m. and no later than nine o’clock p.m., but may not operate a farm truck on a freeway. A person operating a farm truck while holding a conditional driver’s license or a special restricted license may not use the farm truck for ordinary domestic purposes or general transportation.

(2) A classified driver’s license shall authorize the licensee to operate a motorcycle, motorcycle three‑wheel vehicle, including a motorcycle with a detachable side car, or those vehicles in excess of twenty‑six thousand pounds gross vehicle weight rating which are indicated by endorsement on the license. The endorsement may include classifications such as: motorcycle, two‑axle truck, three‑ or more axle truck, combination of vehicles, motor busses, or oversize or overweight vehicles. The department shall determine from the driving demonstration the endorsements to be indicated on the license.”

SECTION 3. Section 56‑3‑20(30) and (31) of the 1976 Code is amended to read:

“(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 an automotive type steering device, but excluding a tractor or motorcycle three‑wheel vehicle.~~ Reserved.

(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 4. Section 56‑19‑10(44) and (45) of the 1976 Code is amended to read:

“(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.

(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 5. Sections 56‑5‑145 and 56‑5‑155 of the 1976 Code are repealed.

SECTION 6. This act takes effect six months after approval by the Governor.

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