~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 2, 2018

**H. 4466**

Introduced by Rep. Clemmons

S. Printed 5/2/18--S.

Read the first time April 9, 2018.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 4466) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑2‑3110 so as to provide that a county may adopt an ordinance that regulates, etc., respectfully

**REPORT:**

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

LAWRENCE K. GROOMS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Local Expenditure**

This bill as amended allows a county in unincorporated areas or a municipality within its corporate limits to adopt an ordinance to regulate mopeds and golf carts for rental or lease on an hourly, daily, weekly, or monthly basis. The bill is limited to the use of safety devices and the geographic area, distance, and specified public roadways on which the rented moped or golf cart may operate. However, if there is no county ordinance, a municipality may adopt an ordinance that regulates these vehicles.

The Revenue and Fiscal Affairs (RFA) Office contacted twenty-three counties and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. RFA received no responses from counties regarding the impact of this bill. The MASC indicated there would be a minimal impact, if any, on cities and towns since this bill is permissive and does not require an ordinance to be enacted. Based on the limited number of responses received and the permissive nature of this bill it is unknown how many localities will create and enforce this type of ordinance; therefore, the local expenditure impact is undetermined.

**Local Revenue**

This bill will have an undetermined impact on local revenue, because it is unknown how much revenue will be created by enforcing ordinances for mopeds, golf carts, or unlicensed vehicles offered to the public for rental on an hourly, daily, weekly, or monthly basis.

**Amended by House Subcommittee on Motor Vehicles on February 28, 2018**

**Local Expenditure**

This bill as amended allows a county in unincorporated areas or a municipality within its corporate limits to adopt an ordinance to regulate mopeds and golf carts for rental or lease on an hourly, daily, weekly, or monthly basis. The bill is limited to the use of safety devices and the geographic area, distance, and specified public roadways on which the rented moped or golf cart may operate. However, if there is no county ordinance, a municipality may adopt an ordinance that regulates these vehicles.

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**Local Revenue**

This bill will have an undetermined impact on local revenue, because it is unknown how much revenue will be created by enforcing ordinances for mopeds, golf carts, or unlicensed vehicles offered to the public for rental on an hourly, daily, weekly, or monthly basis.

**Introduced on January 9, 2018**

**Local Expenditure**

This bill is permissive and clarifies that a county may adopt an ordinance that regulates the operation of unlicensed vehicles, authorized by state law, on the public streets and highways within its jurisdiction when the vehicles are offered to the public for rental on a daily, weekly, or monthly basis. However, if there is no county ordinance, a municipality may adopt an ordinance that regulates unlicensed vehicles, authorized by state law, that operate on the public streets and highways within its jurisdiction when the vehicles are offered to the public for rental on a daily, weekly, or monthly basis.

The Revenue and Fiscal Affairs (RFA) Office contacted twenty three counties and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill. RFA received no responses from counties regarding the impact of this bill. The MASC indicated there would be a minimal impact, if any, on cities and towns since this bill is permissive and does not require an ordinance to be enacted. Based on the limited number of responses received and the permissive nature of this bill it is unknown how many localities will create and enforce this type of ordinance; therefore, the local expenditure impact is undetermined.

**Local Revenue**

This bill is permissive and will have an undetermined impact to local revenue, because it is unknown how much revenue will be created by enforcing ordinances for unlicensed vehicles offered to the public for rental on daily, weekly, or monthly basis.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑2‑3110 SO AS TO PROVIDE THAT A COUNTY MAY ADOPT AN ORDINANCE THAT REGULATES THE OPERATION OF CERTAIN UNLICENSED VEHICLES UPON THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION WHEN THE VEHICLES ARE OFFERED TO THE PUBLIC FOR RENTAL ON A DAILY, WEEKLY, OR MONTHLY BASIS, AND TO PROVIDE THAT MUNICIPALITIES MAY ADOPT A SIMILAR ORDINANCE IN THE ABSENCE OF COUNTY ORDINANCES.

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

SECTION 1. Section 56‑2‑105 of the 1976 Code is amended to read:

“Section 56‑2‑105. (A) For the purposes of this section, ‘gated community’ means any homeowners’ community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

(B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee.

(C) During daylight hours only:

(1) A permitted golf cart may be operated within four miles of the golf cart owner’s address ~~on the registration certificate~~ as provided in subsection (C)(5) and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(2) A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(3) Within four miles of the registration holder’s address, and while traveling along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

(4) A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(5) For purposes of this subsection, the address of the golf cart owner may be the address on the golf cart registration certificate, his business address, his permanent residence, a second or vacation home, or a temporary single family rental residence. Multiple addresses of the owner as provided in this subsection are permitted for purposes of this subsection.

(D) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver’s license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

(1) the registration certificate issued by the department;

(2) proof of liability insurance for the golf cart; and

(3) his driver’s license.

(E) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address on the registration certificate.

(F)(1) A political subdivision may, on designated streets or roads within the political subdivision’s jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.

(2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision’s jurisdiction, create separate golf cart paths on the shoulder of its primary highways, secondary highways, streets, and roads for the purpose of golf cart transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and

(b) the golf cart path is:

(i) separated from the traffic lanes by a hard concrete curb;

(ii) separated from the traffic lanes by parking spaces; or

(iii) separated from the traffic lanes by a distance of four feet or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted golf carts.

(4)(a) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.

(b) A political subdivision may not, under any circumstances, require an additional permit to operate a golf cart within its jurisdiction. Any ordinance, law, or rule in existence as of the effective date of this subitem providing for an additional permit to operate a golf cart shall have no force and effect of law.

(c) Notwithstanding the provisions of this item, a county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering golf carts for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within the jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased golf carts may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.

(G) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

SECTION 2. Article 3, Chapter 2, Title 56 of the 1976 Code is amended by adding:

Section 56‑2‑3110. A county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering mopeds for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within its jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased mopeds may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.

SECTION 3. This act takes effect upon approval by the Governor.

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