

## Session 121 - (2015-2016)

### H 3440 (Rat #0298) General Bill, By Crosby, Daning, George and Clemmons

#### Summary: Moped

AN ACT TO AMEND SECTION 56-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE ISSUANCE OF DRIVER'S LICENSES, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS AND TO ADD THE TERMS "MOPED", "DAYLIGHT HOURS", AND "VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION 56-1-30, RELATING TO PERSONS EXEMPT FROM OBTAINING A DRIVER'S LICENSE, SO AS TO DELETE THE TERM "ARTICLE" AND REPLACE IT WITH THE TERM "CHAPTER"; TO AMEND SECTION 56-1-50, AS AMENDED, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RELATES TO THE OPERATION OF MOTOR SCOOTERS, LIGHT MOTOR-DRIVEN CYCLES AND MOPEDS, TO PROVIDE THAT A PERMITTEE MUST BE ACCOMPANIED BY A MOTORCYCLE-LICENSED DRIVER WHEN DRIVING A MOTORCYCLE DURING CERTAIN HOURS, TO PROVIDE THE LOCATION THAT AN ACCOMPANYING DRIVER MUST BE POSITIONED, AND TO DELETE AN OBSOLETE PROVISION; TO AMEND SECTION 56-1-175, RELATING TO THE ISSUANCE OF A CONDITIONAL DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, AND THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE ADDITIONAL LOCATIONS WHERE A LICENSEE MAY OPERATE A MOTOR VEHICLE, TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, AND TO DELETE THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION 56-1-185, RELATING TO THE REMOVAL OF THE RESTRICTIONS PLACED ON A CONDITIONAL OR SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A BEGINNER'S PERMIT, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED LICENSE MAY NOT BE ISSUED TO A PERSON CONVICTED OF CERTAIN VIOLATIONS OF OPERATING A MOPED WHILE UNDER AGE OR WITHOUT A LICENSE FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-1-1710, RELATING TO THE DEFINITION OF THE TERM MOPED, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-1-1720, RELATING TO THE OPERATION OF A MOPED, SO AS TO REVISE THE FORM OF LICENSURE A PERSON MUST POSSESS TO OPERATE A MOPED, TO REVISE THE AGE OF A PERSON WHO MAY OBTAIN A MOPED OPERATOR'S LICENSE, TO REVISE THE TIME PERIOD WHEN CERTAIN PERSONS MAY OPERATE A MOPED, TO REVISE THE PENALTIES FOR A VIOLATION OF THIS PROVISION, AND TO DELETE THE PROVISION THAT PROHIBITS THE DEPARTMENT OF MOTOR VEHICLES FROM ISSUING A BEGINNER'S PERMIT OR A SPECIAL RESTRICTED LICENSE TO CERTAIN PERSONS CONVICTED OF A MOPED VIOLATION FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-1-1730, RELATING TO THE ELIGIBILITY TO OBTAIN, SUSPENSION OF, AND REVOCATION OF A MOPED OPERATOR'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-2-2740, RELATING TO MOTOR VEHICLE REGISTRATION AND PROPERTY TAXES, SO AS TO PROVIDE FOR THE ISSUANCE OF MOPED VALIDATION DECALS, TO PROVIDE THE COST OF THE DECALS, AND TO PROVIDE THAT THE FEES COLLECTED FOR THE DECALS MUST BE USED TO DEFRAY THE COSTS OF THE DEPARTMENT OF MOTOR VEHICLES; BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO PROVIDE FOR THE REGISTRATION, TITLING, AND LICENSING OF MOPEDS, TO PROVIDE PENALTIES FOR A VIOLATION OF THIS ARTICLE, TO REGULATE THE OPERATION OF A MOPED, AND TO REGULATE THE SALE OF A MOPED; BY ADDING SECTION 56-2-4000 SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF CHAPTER 2, TITLE 56; TO AMEND SECTION 56-3-20, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-3-200, RELATING TO THE REGISTRATION OF A VEHICLE, SO AS TO PROVIDE THAT A CERTIFICATE OF TITLE IS NOT REQUIRED TO REGISTER A MOPED; TO AMEND SECTION 56-3-250, RELATING TO THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE ONCE ALL LOCAL PROPERTY TAXES ARE PAID, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO A MOPED, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 56-3-630, AS AMENDED, AND SECTION 56-3-760, RELATING TO VEHICLES, CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES AND THE REGISTRATION FEE FOR CERTAIN VEHICLES, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLE" AND REPLACE IT WITH THE TERM "MOPED", AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 56-5-120 AND 56-5-130, RELATING TO THE TERMS "VEHICLE" AND "MOTOR VEHICLE" AND THEIR DEFINITIONS, SO AS TO DELETE BOTH SECTIONS; TO AMEND SECTION 56-5-140, RELATING TO THE TERM "MOTORCYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-150, RELATING TO THE TERM "MOTOR-DRIVEN CYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-155, RELATING TO THE TERM

"MOTORCYCLE THREE-WHEEL VEHICLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-165, RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-361, RELATING TO THE TERM "PASSENGER CAR" AND ITS DEFINITION, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLES" AND ADD THE TERM "MOPEDS"; TO AMEND SECTION 56-5-410, RELATING TO THE TERM "OWNER" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-1550, RELATING TO THE OPERATION OF A MOTOR-DRIVEN CYCLE, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-5-1555, RELATING TO THE OPERATION OF A MOPED, SO AS TO RAISE THE MAXIMUM SPEED AT WHICH A MOPED MAY BE OPERATED; TO AMEND SECTION 56-4-4450, RELATING TO DISPLAY OF LIGHTS BY A VEHICLE DURING CERTAIN TIMES OF DAY, SO AS TO DELETE AN OBSOLETE PROVISION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-9-20, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO DELETE AND REVISE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-9-110, RELATING TO THE APPLICABILITY OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT TO CERTAIN ACCIDENTS OR JUDGMENTS, SO AS TO DELETE THIS SECTION; TO AMEND SECTION 56-10-520, RELATING TO THE OFFENSE OF OPERATING AN UNINSURED MOTOR VEHICLE, SO AS TO MAKE A TECHNICAL CHANGE AND PROVIDE THAT THIS SECTION APPLIES TO AN OPERATOR OF AN UNINSURED MOPED, WHO IS NOT THE REGISTERED OWNER OF THE MOPED, UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-10-535, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY AFTER A CONVICTION OF CERTAIN TRAFFIC OFFENSES, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO A REGISTERED OWNER OF A MOPED; TO AMEND SECTION 56-15-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITIONS OF THE TERMS "MOTOR VEHICLE" AND "MOTORCYCLE"; TO AMEND SECTION 56-16-10, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURES, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTORCYCLE" AND REVISE THE TYPE OF VEHICLES REGULATED BY THIS CHAPTER; TO AMEND SECTION 56-19-10, AS AMENDED, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-19-220, RELATING TO VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF TITLE, SO AS TO MAKE A TECHNICAL CHANGE AND TO ADD MOPEDS TO THE LIST OF EXEMPTED VEHICLES; TO AMEND SECTION 38-77-30, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING AUTOMOBILE INSURANCE, SO AS TO DELETE THE TERMS "MOTOR-DRIVEN CYCLES", "MOTOR SCOOTERS", AND "MOPEDS"; TO PROVIDE THAT A PERSON WHO SELLS, SOLICITS, OR ADVERTISES TO SELL CERTAIN MOPEDS PRIOR TO JULY 1, 2017, MUST LABEL THE MOPEDS WITH THEIR SPECIFICATIONS AND PROVIDE A METAL PLATE THAT IDENTIFIES THE VEHICLE, TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE CERTAIN MOPEDS WITHOUT THE METAL IDENTIFICATION PLATE, AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION; TO AMEND SECTION 56-5-2941, AS AMENDED, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON WHO VIOLATES CERTAIN PROVISIONS TO HAVE INSTALLED ON CERTAIN VEHICLES AN IGNITION INTERLOCK DEVICE, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON A MOPED; AND TO REPEAL ARTICLE 3, CHAPTER 5, TITLE 56 RELATING TO MOPED REGULATIONS. - ratified title

- 01/28/15 House Introduced and read first time (House Journal-page 11)**
- 01/28/15 House Referred to Committee on Education and Public Works (House Journal-page 11)**
- 05/28/15 House Committee report: Favorable with amendment Education and Public Works (House Journal-page 103)**
- 06/02/15 House Debate adjourned until Wed., 6-3-15 (House Journal-page 50)**
- 06/03/15 House Requests for debate-Rep(s). Brown, Daning, McEachern, Douglas, Williams, Jefferson, Pitts, Gagnon, JE Smith, Thayer, Hill, WJ McLeod, George, Kirby, Cole, Henegan, Hicks, Hiott (House Journal-page 31)**
- 06/03/15 House Debate adjourned until Thur., 1-4-15 (House Journal-page 190)**
- 06/04/15 House Debate adjourned until Thur., 1-14-16 (House Journal-page 41)**
- 01/13/16 House Member(s) request name added as sponsor: Clemmons**
- 01/13/16 House Amended (House Journal-page 24)**
- 01/13/16 House Read second time (House Journal-page 24)**

01/13/16 House Roll call Yeas-67 Nays-41 (House Journal-page 58)  
01/14/16 House Adopted, sent to Senate  
01/14/16 Senate Introduced and read first time (Senate Journal-page 8)  
01/14/16 Senate Referred to Committee on Transportation (Senate Journal-page 8)  
03/22/16 Senate Committee report: Favorable with amendment Transportation (Senate Journal-page 9)  
03/23/16 Scrivener's error corrected  
05/24/16 Senate Read second time (Senate Journal-page 26)  
05/31/16 Senate Committee Amendment Amended and Adopted (Senate Journal-page 70)  
05/31/16 Senate Amended (Senate Journal-page 70)  
06/02/16 Senate Read third time and returned to House with amendments (Senate Journal-page 52)  
06/02/16 Senate Roll call Ayes-41 Nays-1 (Senate Journal-page 52)  
06/02/16 House Concurred in Senate amendment and enrolled (House Journal-page 73)  
06/02/16 House Roll call Yeas-68 Nays-31 (House Journal-page 73)  
06/06/16 Ratified R 298  
06/10/16 Vetoed by Governor  
06/15/16 House Veto sustained Yeas-65 Nays-47 (House Journal-page 41)  
06/15/16 House Roll call Yeas-65 Nays-47 (House Journal-page 46)  
06/15/16 House Reconsidered (House Journal-page 121)  
06/15/16 House Roll call Yeas-18 Nays-74 (House Journal-page 125)  
06/15/16 House Veto overridden by originating body Yeas-69 Nays-33 (House Journal-page 128)