**South Carolina General Assembly**

118th Session, 2009-2010

**S. 419**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Knotts, Land, Campbell, Coleman, Peeler, Setzler, McConnell, Cromer, Leatherman, Thomas and Rose

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Introduced in the Senate on February 12, 2009

Currently residing in the Senate Committee on **Transportation**

Summary: Vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/12/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-12-09.docx)‑6

2/12/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h:\SJ%20Archive\2009\02-12-09.docx)‑6

**VERSIONS OF THIS BILL**

[2/12/2009](file:///p:\pprever\2009-10\419_20090212.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF TERMS CONCERNING THE DEPARTMENT OF MOTOR VEHICLES AND ITS OPERATIONS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “MEDIUM SPEED VEHICLE”; TO AMEND ARTICLE 1, CHAPTER 2, TITLE 56, RELATING TO LOW SPEED VEHICLES, SO AS TO PROVIDE THAT THIS ARTICLE ALSO APPLIES TO THE OPERATION OF MEDIUM SPEED VEHICLES; AND TO AMEND SECTION 56‑5‑820, RELATING TO PENALTIES FOR THE UNLAWFUL OPERATION OF A LOW SPEED VEHICLE, SO AS TO PROVIDE THAT THESE PENALTIES ALSO APPLY FOR THE UNLAWFUL OPERATION OF A MEDIUM SPEED VEHICLE.

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

SECTION 1. Section 56‑1‑10 of the 1976 Code, as last amended by Act 279 of 2008, is further amended by adding at the end:

“( ) ‘Medium speed vehicle’ or ‘MSV’ means any four‑wheeled vehicle, equipped with a roll cage or crush‑proof body design, whose top speed attainable in one mile is greater than thirty miles an hour but not greater than thirty‑five miles an hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheel base of forty inches or greater and a wheel diameter of ten inches or greater, and except with respect to maximum speed, otherwise is manufactured in compliance with the federal motor vehicle safety standards contained in 49 C.F.R. Section 571.500 in effect on January 1, 2009, and successor requirements.”

SECTION 2. Article 1, Chapter 2, Title 56 of the 1976 Code, as added by Act 170 of 2005, is amended to read:

“Article 1

Low and Medium Speed Vehicles

Section 56‑2‑100. (A) A low speed or medium speed vehicle may be operated only on a secondary highway for which the posted speed limit is thirty‑five miles an hour or less.

(B) A low speed or medium speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

(C) A low speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway. A medium speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway, except with respect to maximum speed. A low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title. A medium speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 and has a roll cage or crush‑proof body design, is fully enclosed and has at least one door for entry, has a wheel base of forty inches or greater and a wheel diameter of ten inches or greater complies with all equipment requirements of this title.

(D) Nothing in this section prevents local governments from adopting more stringent local ordinances governing low speed or a medium speed vehicle operation.

(E) A county or municipality may prohibit the operation of low speed vehicles or medium speed vehicles on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(F) The Department of Transportation may prohibit the operation of low speed vehicles or medium speed vehicles on any street or highway if it determines that the prohibition is necessary in the interest of safety.

(G) A farm vehicle, as defined in Section 56‑1‑2070(C)(2), is not a low speed vehicle or a medium speed vehicle for the purposes of this article.

Section 56‑2‑110. A person operating a low speed vehicle or a medium speed vehicle must be at least sixteen years of age and shall hold a valid driver’s license. The operator of a low speed vehicle or a medium speed vehicle being operated on a highway must have in his possession:

(1) the registration card issued by the department or the registration card issued by the state in which the low speed vehicle or a medium speed vehicle is registered; and

(2) his driver’s license.

Section 56‑2‑120. (A) A low speed vehicle or a medium speed vehicle must be titled as specified in this title. The manufacturer’s or importer’s certificate of origin must identify clearly the vehicle as a low speed vehicle and must certify that the vehicle was manufactured in compliance with the equipment requirements for low speed vehicles in 49 C.F.R. Section 571.500. The State shall not issue vehicle identification numbers to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles, and these vehicles shall not qualify as low speed vehicles or medium speed vehicles in this State.

(B) If the vehicle is owned by a nonresident, but is subject to issuance of a certificate of title in this State, the application must also contain his:

(1) full legal name, social security number, or, if the primary user does not have a social security number but has a passport, his passport number;

(2) driver’s license number, whether the license was issued by this State or another jurisdiction;

(3) date of birth;

(4) bona fide principal residence address;

(5) address in this State where the low speed vehicle or the medium speed vehicle will be housed and used; and

(6) mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application must contain the business address and federal employer identification number of the primary user.

(C) A low speed vehicle and a medium speed vehicle must be registered and licensed in the same fashion as passenger vehicles pursuant to this title and is subject to the same insurance requirements applicable to other motor vehicles under this title.

(D) The Department of Motor Vehicles shall establish a special size and class of license plate for low speed vehicles and medium speed vehicles that clearly identifies the vehicle as a low speed vehicle or a medium speed vehicle.

Section 56‑2‑130. A person engaged in the wholesale or retail sale of low speed vehicles or medium speed vehicles must comply with the motor vehicle dealer licensing laws of this State as specified in this title.”

SECTION 3. Section 56‑5‑820 of the 1976 Code, as added by Act 170 of 2005, is amended to read:

“Section 56‑5‑820. (A) A person operating a low speed vehicle or a medium speed vehicle on a highway must comply with all statutes regarding low speed vehicles and medium speed vehicles in this title.

(B) Each violation of low speed vehicle or a medium speed vehicle laws constitutes a separate offense.

(C) The penalty for a violation of this section is contained in Section 56‑5‑6190.”

SECTION 4. This act takes effect upon approval by the Governor.

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