~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 4, 2010

**H. 4281**

Introduced by Rep. J.M. Neal

S. Printed 2/4/10--H.

Read the first time January 12, 2010.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4281) to amend Section 56‑1‑10, as amended, Code of Laws of South Carolina, 1976, relating to the definition of certain terms regarding the issuance of driver’s licenses, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, Section 56-1-10(25) as contained in SECTION 1, page 1, by deleting / not to exceed / on lines 31 and 32, and inserting / no more than /.

When amended Section 56-1-10(25) shall read:

/ “(25) ‘Moped’ means every self‑propelled cycle with a motor of not more than fifty cubic centimeters which produces no more than two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground with or without pedals to permit propulsion by human power. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.” /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Motor Vehicles indicates this bill would have no impact on the General Fund of the State. There would be no impact on federal and/or other funds. Currently there is not a licensing or registration requirements for mopeds. This bill provides to technical adjustments to the Code of Laws concerning the definition of mopeds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 56‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF CERTAIN TERMS REGARDING THE ISSUANCE OF DRIVER’S LICENSES, SO AS TO PROVIDE A DEFINITION FOR THE TERM “MOPED”; TO AMEND SECTION 56‑3‑20, RELATING TO THE DEFINITION OF CERTAIN TERMS CONTAINED IN THE “SOUTH CAROLINA MOTOR VEHICLE REGISTRATION AND LICENSING ACT”, SO AS TO DELETE THE DEFINITION FOR THE TERM “MOPED”; AND TO REPEAL SECTIONS 56‑1‑1710 AND 56‑5‑165 BOTH RELATING TO DEFINITIONS FOR THE TERM “MOPED”.

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:

“(25) ‘Moped’ means every self‑propelled cycle with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground with or without pedals to permit propulsion by human power. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.”

SECTION 2. Section 56‑3‑20 of the 1976 Code is amended to read:

“Section 56‑3‑20. For purposes of this chapter, the following words and phrases are defined as follows:

(1) ‘Vehicle’ means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(2) ‘Motor vehicle’ means every vehicle which is self‑ propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(3) ‘Motorcycle’ means every motorcycle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.

(4) ‘Motor‑driven cycle’ means every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower.

(5) ‘Authorized emergency vehicle’ means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.

(6) ‘School bus’ means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.

(7) ‘Truck tractor’ means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.

(8) ‘Farm tractor’ means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) ‘Road tractor’ means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) ‘Truck’ means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) ‘Special mobile equipment’ includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay‑load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditchdigging apparatus, well‑boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) ‘Bus’ means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) ‘Trailer’ means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) ‘Semitrailer’ means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) ‘Pole trailer’ means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) Foreign vehicle’ means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) ‘Implement of husbandry’ means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

(18) ‘Solid tire’ means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(19) ‘Gross weight’ or ‘gross weight vehicle’ means the weight of a vehicle without load plus the weight of any load on it.

(20) ‘Load capacity’ means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.

(21) ‘Owner’ means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.

(22) ‘Nonresident’ means every person who is not a resident of this State.

(23) ‘Dealer’ or ‘motor vehicle dealer’ means both “dealer” and “wholesaler” as defined in Chapter 15 of this title.

(24) [Deleted]

(25) ‘Street’ or ‘highway’ means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.

(26) ‘Odometer’ means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(27) ‘Odometer reading’ means actual cumulative distance traveled disclosed on the odometer.

(28) ‘Odometer disclosure statement’ means a statement, as prescribed by item (4) of Section 56‑3‑240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(29) ~~‘Moped’ means every cycle with pedals to permit propulsion by human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one‑half brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty‑five miles per hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.~~ [Reserved]

(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.

(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.”

SECTION 3. Section 56‑1‑1710 and 56‑5‑165 are repealed.

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

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