~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 7, 2009

**S. 775**

Introduced by Senators Grooms and Knotts

S. Printed 5/7/09--S. [SEC 5/8/09 4:01 PM]

Read the first time April 30, 2009.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 775) to amend Section 56‑1‑130, as amended, relating to classified driver’s licenses, so as to provide that an operator of a motorcycle three‑wheel vehicle is, 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, in SECTION 1, starting on page 2, line 9 by striking subsections (C) and (D) from Section 56‑1‑130 and inserting:

/ (C) A basic driver’s license authorizes the licensee to operate motor vehicles, automotive three‑wheel vehicles, 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 any other 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.

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, ~~motorcycle three‑wheel~~ ~~vehicle,~~ 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.

~~(D)~~ ~~The department shall include a noncommercial endorsement to the motorcycle classification license to indicate the type of motorcycle to be operated. The “M” classification is for motorcycle operation only. The ‘D’ endorsement to the “M” classification is for motorcycle three‑wheel vehicle and motorcycle with detachable side car. The “C” endorsement to the “M” classification is for motorcycle, motorcycle three‑wheel vehicle, and motorcycle with detachable side car.~~” /

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 56‑1‑130, AS AMENDED, RELATING TO CLASSIFIED DRIVER’S LICENSES, SO AS TO PROVIDE THAT AN OPERATOR OF A MOTORCYCLE THREE‑WHEEL VEHICLE IS ONLY REQUIRED TO HAVE A BASIC DRIVER’S LICENSE OR A MOTORCYCLE LICENSE, RATHER THAN A MOTORCYCLE LICENSE WITH A SPECIAL ENDORSEMENT.

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

SECTION 1. Section 56‑1‑130 of the 1976 Code, as last amended by Act 347 of 2008 is further amended to read:

“Section 56‑1‑130. (A) The Department of Motor Vehicles shall examine every applicant for a driver’s license, except as otherwise provided in this article. The examination shall include a test of the applicant’s eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this State and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of the type motor vehicle, including motorcycles, for which a license is sought. The department may require a further physical and mental examination as it considers necessary to determine the applicant’s fitness to operate a motor vehicle upon the highways, the further examination to be at the applicant’s expense. The department shall make provisions for giving an examination in the county where the applicant resides~~, except for motorcycle three‑wheel vehicles. The motorcycle three‑wheel vehicle examination must be provided at the sites where the knowledge and skill examination for the commercial driver’s license is offered~~. The department shall charge an appropriate fee for each complete examination or reexamination required in this article.

(B) No persons, except those exempted under Section 56‑1‑30 and Section 56‑1‑60 or those holding beginner’s permits under Section 56‑1‑50, shall operate any classification of motor vehicle without first being examined and duly licensed by the driver examiner as a qualified driver of that classification of motor vehicle.

(C) A basic driver’s license authorizes the licensee to operate motor vehicles, automotive three‑wheel vehicles, motorcycle three‑wheel vehicles, 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 any other 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.

A classified driver’s license shall authorize the licensee to operate a motorcycle, motorcycle three-wheel vehicle, 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, ~~motorcycle three‑wheel~~ ~~vehicle,~~ 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.

(D) The department shall include a noncommercial endorsement to the motorcycle classification license to indicate the type of motorcycle to be operated. The “M” classification is for motorcycle and motorcycle three-wheel vehicle operation only. The ‘D’ endorsement to the “M” classification is for ~~motorcycle three‑wheel vehicle and~~ motorcycle with detachable side car. The “C” endorsement to the “M” classification is for motorcycle~~, motorcycle three‑wheel vehicle,~~ and motorcycle with detachable side car. The holder of a classified license allowing the operation of a motorcycle is not required to have an additional endorsement to that classification in order to operate a motorcycle three-wheel vehicle. ”

SECTION 2. This act takes effect upon approval by the Governor.

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