~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 22, 2012

**H. 3163**

Introduced by Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick

S. Printed 5/22/12--S.

Read the first time April 28, 2011.

**A** **BILL**

TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

Amend Title To Conform

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

SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56-5-2905. For the purposes of this article ‘Motor Vehicle’ is defined as any vehicle which is self-propelled, including mopeds, golf carts, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.”

SECTION 2. Section 56‑5‑3720 of the 1976 Code is amended to read:

“Section 56‑5‑3720. It is unlawful for a person to sell a moped for use on the public highways and streets of this State or operate a moped upon the public highways and streets of this State without operable pedals if the moped is equipped with pedals, at least one rearview mirror, operable running lights, a hideaway type strobe light or similar device, and brake lights which are operable when either brake is deployed. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.”

SECTION 3. Section 56-5-3730 of the 1976 Code is amended to read:

“Section 56-5-3730. The operator of a moped must have the operating and strobe lights turned on at all times while the moped is in operation on the public highways and streets of this State.”

SECTION 4. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2937. (A) Notwithstanding any other provision of law, a person convicted of violating Section 56‑5‑2933 while operating a moped must be punished as follows:

(1) for a first offense, by a fine of not more than five hundred dollars or imprisonment of not more than thirty days; or

(2) for a second or subsequent offense, by imprisonment of not less than five days, but not more than one year, no part of which may be suspended.

(B) Any conviction for a violation of Section 56‑5‑2930 or Section 56‑5‑2933 may be used for enhancement purposes under this section.”

SECTION 5. This act takes effect upon approval by the Governor.

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