**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO CREATE PROVISIONS THAT GOVERN THE REGISTRATION OF MOPEDS; TO AMEND SECTION 56‑1‑10, AS AMENDED, RELATING TO THE DEFINITION OF CERTAIN TERMS THAT RELATE TO THE OPERATION OF MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERMS “OWNER”, “MOTORCYCLE”, “LOW SPEED VEHICLE”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “MOPED” AND “VEHICLE”; TO AMEND SECTION 56‑2‑2740, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES’ REFUSAL TO RENEW A DRIVER’S LICENSE AND VEHICLE REGISTRATION FOR NONPAYMENT OF PROPERTY TAXES, AND THE ISSUANCE OF LICENSE PLATES AND VALIDATION DECALS, SO AS TO PROVIDE THAT VALIDATION DECALS SHALL NOT BE ISSUED FOR VEHICLES THAT DO NOT REQUIRE THE PAYMENT OF PROPERTY TAXES; TO AMEND SECTION 56‑3‑20, RELATING TO THE DEFINITION OF TERMS REGARDING MOTOR VEHICLE REGISTRATION AND LICENSING, SO AS TO DELETE THE TERMS “VEHICLE”, “MOTOR VEHICLE”, “MOTORCYCLE”, “MOTOR-DRIVEN CYCLE”, “NONRESIDENT”, “MOPED”, AND “MOTORCYCLE THREE‑WHEEL VEHICLE” AND THEIR DEFINITIONS; TO AMEND SECTION 56‑3‑250, RELATING TO THE PAYMENT OF LOCAL TAXES BEFORE A VEHICLE MAY BE REGISTERED, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO MOPEDS AND TO SUBSTITUTE THE TERM “DEPARTMENT OF REVENUE” FOR THE TERM “STATE TAX COMMISSION”; TO AMEND SECTION 56‑3‑630, AS AMENDED, RELATING TO VEHICLES CLASSIFIED AS PASSENGER MOTOR VEHICLES, SO AS TO SUBSTITUTE THE TERM “MOPED” FOR THE TERM “MOTOR-DRIVEN CYCLE”, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑3‑760, RELATING TO BIENNIAL REGISTRATION FEES FOR CERTAIN VEHICLES, SO AS TO SUBSTITUTE THE TERM “MOPED” FOR THE TERM “MOTOR-DRIVEN CYCLE”; TO AMEND SECTION 56‑5‑50, RELATING TO THE INAPPLICABILITY OF CERTAIN PROVISIONS TO THE OPERATION OF MOPEDS, SO AS TO MAKE THESE PROVISIONS APPLICABLE TO THE OPERATION OF MOPEDS; TO AMEND SECTION 56‑5‑361, RELATING TO VEHICLES THAT ARE DEFINED AS PASSENGER CARS, SO AS TO SUBSTITUTE THE TERM “MOPEDS” FOR THE TERM “MOTOR-DRIVEN CYCLES”; TO AMEND SECTION 56‑5‑1555, RELATING TO THE MAXIMUM OPERATION SPEED OF A MOPED, SO AS TO REVISE THE MAXIMUM SPEED LIMIT THAT A MOPED MAY BE OPERATED; TO AMEND SECTION 56‑9‑20, RELATING TO TERMS AND THEIR DEFINITIONS CONCERNING THE ISSUANCE OF LICENSE PLATES AND REGISTRATION CARDS, SO AS TO DELETE THE TERMS “NONRESIDENT”, “NONRESIDENT OPERATING PRIVILEGE”, AND “OPERATOR” AND THEIR DEFINITIONS, AND TO REVISE THE DEFINITION OF THE TERM “OWNER”; TO AMEND SECTIONS 56‑15‑10 AND 56‑16‑10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONCERNING THE REGULATION OF MOTOR VEHICLE AND MOTORCYCLE MANUFACTURERS, DISTRIBUTORS AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS “MOTOR VEHICLE” AND “MOTORCYCLE”; TO AMEND SECTION 56‑19‑10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONCERNING THE ISSUANCE OF CERTIFICATES OF TITLE, SO AS TO DELETE THE TERMS “DRIVER”, “MOTOR VEHICLE”, “MOTORCYCLE”, “MOTOR-DRIVEN CYCLE”, “NONRESIDENT”, “OPERATOR”, “OWNER”, “VEHICLE”, “MOPED”, “AUTOMOTIVE THREE‑WHEEL VEHICLE” AND THEIR DEFINITIONS; TO AMEND SECTION 56‑19‑220, RELATING TO CERTAIN VEHICLES THAT DO NOT NEED A CERTIFICATE OF TITLE, SO AS TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE THAT THIS PROVISION APPLIES TO MOPEDS; AND TO REPEAL SECTIONS 56‑1‑1710, 56‑5‑120, 56‑5‑130, 56‑5‑140, 56‑5‑150, 56‑5‑155, 56‑5‑165, 56‑5‑410, AND 56‑5‑1550 ALL RELATING TO THE DEFINITION OF THE TERM “MOPED”,“VEHICLE”, “MOTOR VEHICLE”, “MOTORCYCLE”, “MOTOR‑DRIVEN CYCLE”, “MOTORCYCLE THREE‑WHEEL VEHICLE”,“OWNER”, AND SPEED LIMITATIONS ON MOTOR‑DRIVEN CYCLES.

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

SECTION 1. Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Article 3

Mopeds

Section 56‑2‑3010. (A) Beginning January 1, 2013, a newly purchased moped must be registered by the Department of Motor Vehicles within forty‑five days of purchase before it can be operated on public highways in the state. Within the forty‑five day grace period, a moped operator may operate a moped without registration, provided that he carry at all times while operating the moped a valid bill of sale listing the purchase date.

(B) By January 1, 2014, an owner who acquired a moped before January 1, 2013 must register the moped with the department.

(C) Until January 1, 2014, an owner claiming the exemption of subsection (B) may continue to operate the moped with the metal plate issued by the seller at the time of purchase identifying the vehicle as a moped. If the moped was acquired or purchased before January 1, 2013, the seller of the moped shall attach a metal identification plate to each moped identifying the vehicle as a moped. This plate must be designed by the Department of Motor Vehicles and must display information the department considers necessary for enforcement purposes. The plate must be displayed permanently on each moped and must not be removed.

(D) Until a moped is registered with the department, it is unlawful for a person who purchased it before January 1, 2013 to operate a moped upon the public highways of this State without displaying the metal identification plate which must be attached to the vehicle.

(E) A moped subject to registration must be registered within the department pursuant to this title and is not subject to the insurance requirements applicable to other motor vehicles.

(F) If a manufacturer’s certificate of origin states the vehicle is a ‘motor scooter,’ ‘motor‑driven cycle,’ or any similar term, the definitions of ‘motorcycle’ and ‘moped,’ as shown in Section 56‑1‑10, must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

(G) The Department of Motor Vehicles shall establish a special size and class of license plate for mopeds that clearly identifies the vehicle as a moped. The plate must be displayed permanently on each moped required to be registered and must not be removed while its registration is current.

(H) Mopeds are not required to be licensed or titled in this State.

Section 56‑2‑3020. An owner of a moped required to be registered in this State shall make application to the Department of Motor Vehicles for the registration of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

Section 56‑2‑3030. An application for registration of a moped shall contain:

(1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation, and the county, municipality, and school district in which the applicant resides, if applicable;

(2) a description of the vehicle including, insofar as this exists with respect to a given vehicle, the make, model, type of body, number of cylinders, serial number or other identifying number of the vehicle, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the vehicle;

(3) other information that reasonably may be required by the Department of Motor Vehicles to enable it to determine whether the vehicle is lawfully entitled to registration;

(4) the application shall be accompanied by a bill of sale and a vehicle registration certificate, Manufacturer’s Certificate of Origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine, the brake horsepower of the motor and the maximum speed of the vehicle on level ground.

Section 56‑2‑3040. If an owner cannot provide a Manufacturer’s Certificate of Origin or prior title, the moped may be registered, but not titled.

Section 56‑2‑3050. (A) A person is guilty of a misdemeanor who:

(1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this chapter;

(2) knowingly makes a false statement in an application; or

(3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation or movement of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor.”

SECTION 2. Section 56‑1‑10 of the 1976 Code, as last amended by Act 216 of 2010, is further amended to read:

“Section 56‑1‑10. For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

(1) ‘Driver’ means every person who drives or is in actual physical control of a vehicle.

(2) ‘Operator’ means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) ‘Owner’ means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. This term also includes a person to whom a moped is registered.

(4) ‘Department’ means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section 56‑3‑840.

(5) ‘State’ means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.

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

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

(8) ‘Motorcycle’ means every motor vehicle 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 and a moped.

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

(10) ‘Nonresident’s operating privilege’ means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.

(11) ‘Conviction’ means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(12) ‘Cancellation of driver’s license’ means the annulment or termination by formal action of the Department of Motor Vehicles of a person’s driver’s license because of some error or defect in the license or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.

(13) ‘Revocation of driver’s license’ means the termination by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.

(14) ‘Suspension of driver’s license’ means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.

(15) ‘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.

(16) ‘Alcohol’ means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(17) ‘Alcohol concentration’ means:

(a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or

(b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

(18) ‘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.

(19) ‘Low speed vehicle’ or ‘LSV’ means a four‑wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty‑five miles an hour on a paved level surface, and whose ~~GVWR~~ gross vehicle weight rating (GVWR) is less than three thousand pounds.

(20) ‘All terrain vehicle’ or ‘ATV’ means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off‑road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(21) ‘Operator’ or ‘driver’ means a person who is in actual physical control of a motor vehicle.

(22) ‘Person’ means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term “person” is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.

(23) ‘Office of Motor Vehicle Hearings’ means the Office of Motor Vehicle Hearings created by Section 1‑23‑660. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.

(24) ‘Administrative hearing’ means a ‘contested case hearing’ as defined in Section 1‑23‑310. It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.

(25) ‘Home jurisdiction’ means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(26) ‘Moped’ means a cycle with pedals to permit propulsion by human power, or without pedals and 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. 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.

(27) ‘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.”

SECTION 3. Section 56‑2‑2740(C) of the 1976 Code is amended to read:

“(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles that do not require the payment of property taxes.”

SECTION 4. 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.~~ Reserved

(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.~~ Reserved

(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.~~ Reserved

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

(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.~~ Reserved

(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.~~ Reserved”

SECTION 5. Section 56‑3‑250 of the 1976 Code is amended to read:

“Section 56‑3‑250. No vehicle shall be registered and licensed by the Department of Motor Vehicles unless a signed statement accompanies the application certifying that all county and municipal taxes legally due by the applicant on the vehicle concerned have been paid and if such vehicle is legally subject to being returned by the applicant for county and municipal taxes such return has been made; that the applicant is not delinquent in the payment of any motor vehicle taxes in this State, and that the address and county shown on the application for license is the true legal residence of the applicant. A transfer between members of the same family shall not, for the purpose of this section, be considered a bona fide purchase. Any person falsely certifying as required in this section shall have his driver’s license suspended for a period of six months.

The provisions of this section shall not apply to a moped, to any citizen of this State on active duty with the Armed Forces of the United States when the vehicle to be registered and licensed is operated for more than six months each year outside the boundaries of this State, nor to any motor vehicle subject to assessment for ad valorem tax purposes by the S~~tate Tax Commission~~ Department of Revenue.”

SECTION 6. Section 56‑3‑630 of the 1976 Code, as last amended by Act 398 of 2006, is further amended to read:

“Section 56‑3‑630. The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer persons and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less, except a motorcycle, motorcycle three‑wheel vehicle, or ~~motor‑driven cycle~~ moped. The department shall classify a three‑wheel vehicle by the ~~manufacturers~~ manufacture’s statement of origin for the vehicles initial registration. For subsequent registration, the department shall classify the three‑wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section 56‑3‑660.”

SECTION 7. Section 56‑3‑760 of the 1976 Code is amended to read:

“Section 56‑3‑760. For every motorcycle, motorcycle three‑wheel vehicle, or ~~motor‑driven cycle~~ moped the biennial registration fee is ten dollars.”

SECTION 8. Section 56‑5‑50 of the 1976 Code is amended to read:

“Section 56‑5‑50. ~~With the exception of Articles 35 and 37, the~~ The provisions of Chapter 5 ~~of~~, Title 56 govern the operation of mopeds on the public highways and streets of this State.”

SECTION 9. Section 56‑5‑361 of the 1976 Code is amended to read:

“Section 56‑5‑361. Every motor vehicle except motorcycles and ~~motor‑driven cycles~~ mopeds, designed for carrying ten passengers or less and used for the transportation of persons is a ‘passenger car’.”

SECTION 10. Section 56‑5‑1555 of the 1976 Code is amended to read:

“Section 56‑5‑1555. No person may operate a moped at a speed in excess of ~~twenty‑five~~ thirty miles an hour, or on a highway with a maximum speed limit that is greater than forty‑five miles an hour. 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 11. Section 56‑9‑20(6), (7), (8), and (9) of the 1976 Code is amended to read:

“(6) ~~‘Nonresident:’ Every person who is not a resident of this State;~~ Reserved

(7) ~~‘Nonresident operating privilege:’ The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by him of a motor vehicle or the use of a motor vehicle owned by him in this State;~~ Reserved

(8) ~~‘Operator:’ Every person who is in actual physical control of a motor vehicle, whether or not licensed as an operator or chauffeur under the laws of this State;~~ Reserved

(9) ~~‘Owner:’~~ ‘Owner’: A person who holds the legal title of a motor vehicle or a person to whom a moped is registered, or, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof 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 in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purposes of this chapter;”

SECTION 12. Section 56‑15‑10(a) of the 1976 Code is amended to read:

“(a) ‘Motor vehicle’, any motor driven vehicle required to be registered under Section 56‑3‑110. ~~This~~ For purposes of this chapter, this definition does not include motorcycles, or mopeds.”

SECTION 13. Section 56‑16‑10(a) of the 1976 Code is amended to read:

“(a) ‘Motorcycle’ ~~means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two wheels in contact with the ground~~ as defined in Section 56‑1‑10. This ~~section~~ chapter shall not apply to bicycles with helper motors ~~or vehicles defined in Section 56‑1‑1710~~.”

SECTION 14. Section 56‑19‑10 of the 1976 Code, as last amended by Act 317 of 2008, is further amended to read:

“Section 56‑19‑10. For the purposes of this chapter and Chapter 21 ~~of~~, Title 16, the following terms are defined as follows:

(1) ‘Authorized emergency vehicle’ means vehicles of the fire department, police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the chief of police or governing body of a municipality.

(2) ‘Bicycle’ means a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens’ tricycles.

(3) ‘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.

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

(5) ~~‘Driver’ means every person who drives or is in actual physical control of a vehicle.~~ Reserved

(6) ‘Essential parts’ means all integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(7) [Deleted]

(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) ‘Foreign vehicle’ means every vehicle of a type required to be registered under this title 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.

(10) ‘House trailer’ means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(11) ‘Identifying number’ means the numbers and letters, if any, on a vehicle designated by the Department of Motor Vehicles for the purpose of identifying the vehicle.

(12) ‘Implement of husbandry’ means every vehicle, including mobile barns, designed and adapted exclusively for agricultural, horticultural, or livestock‑raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(13) ‘Lienholder’ means a person holding a security interest in a vehicle.

(14) ‘Mail’ means to deposit in the United States mail, properly addressed and with postage prepaid.

(15) ‘Manufacturer’ means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this title at an established place of business in this State.

(16) ~~‘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.~~ Reserved

(17) ~~‘Motorcycle’ means every motor vehicle 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.~~ Reserved

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

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

(20) ~~‘Operator’ means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.~~ Reserved

(21) ~~‘Owner’ means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.~~ Reserved

(22) ‘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.

(23) ‘Previously registered vehicle’ means a vehicle registered in this State on January 1, 1958, or a vehicle whose last registration before that date was in this State.

(24) ‘Reconstructed vehicle’ means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(25) ‘Registration’ means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

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

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

(28) ‘Security agreement’ means a written agreement which reserves or creates a security interest.

(29) ‘Security interest’ means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance, except taxes or attachment liens provided for in Section 29‑15‑20. The term includes the interest of a lessor under a lease intended as security. A security interest is ‘perfected’ when it is valid against third parties generally, subject only to specific statutory exceptions.

(30) ‘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.

(31) ‘Special mobile equipment’ means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway including, but not limited to: ditchdigging apparatus, well‑boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth‑moving carryalls and scrapers, power shovels and draglines, and self‑propelled cranes and earth‑moving equipment. The term does not include house trailers, dump trucks, truck‑mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(32) ‘Specifically constructed vehicle’ means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(33) ‘Trackless trolley coach’ means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(34) ‘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.

(35) ‘Transporter’ means every person engaged in the business of delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

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

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

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

(39) ‘Mobile home’ means every vehicle which is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but which exceeds the size limitations prescribed in Section 56‑3‑710 and which cannot be licensed and registered by the Department of Motor Vehicles as a ‘house trailer’.

(40) ‘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.

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

(42) ‘Odometer disclosure statement’ means a statement, as prescribed by item (d) of subsection (1) of Section 56‑19‑240, certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(43) ~~‘Moped’ means, notwithstanding item (2), every cycle with pedals to permit propulsion by human power or without pedals and 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. 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

(44) ~~‘Automotive three‑wheel vehicle’ means a 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 and a motorcycle three‑wheel vehicle.~~ Reserved

(45) ~~‘Motorcycle three‑wheel vehicle’ means a 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 handlebars or a motorcycle type steering device, but excluding a tractor or automotive three‑wheel vehicle.~~ Reserved”

SECTION 15. Section 56‑19‑220 of the 1976 Code is amended to read:

“Section 56‑19‑220. No certificate of title need be obtained for:

(1) A vehicle owned by the United States unless it is registered in this State;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by the manufacturer solely for testing;

(3) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment not required to be registered and licensed in this State;

(8) A pole trailer; ~~and~~

(9) ~~Vehicles~~ A vehicle not required to be licensed and registered in this State, except mobile homes.

(10) A vehicle used by its manufacturer in a benefit program for the manufacturer’s employees~~.~~;

(11) A vehicle used by its manufacturer for testing, distribution, evaluation, and promotion, subject to the limitation in Section 56‑3‑2332(B)(2); or

(12) A moped.”

SECTION 16. Sections 56‑1‑1710, 56‑5‑120, 56‑5‑130, 56‑5‑140, 56‑5‑150, 56‑5‑155, 56‑5‑165, 56‑5‑410, and 56‑5‑1550, are repealed.

SECTION 17. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 18. This act takes effect upon approval by the Governor.

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