**South Carolina General Assembly**

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**S. 326**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hutto

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Introduced in the Senate on January 31, 2013

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

Summary: Recreational Off-Highway Vehicle Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/31/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2013\01-31-13.docx))

1/31/2013 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2013\01-31-13.docx))

**VERSIONS OF THIS BILL**

[1/31/2013](file:///p:\pprever\2013-14\326_20130131.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 27 TO TITLE 50 SO AS TO ENACT THE “SOUTH CAROLINA RECREATIONAL OFF‑HIGHWAY VEHICLE ACT” SO AS TO PROVIDE FOR THE REGULATION OF THE OPERATION OF RECREATIONAL OFF‑HIGHWAY VEHICLES, TO PROVIDE THAT THESE VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; BY ADDING ARTICLE 10 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF RECREATIONAL OFF‑HIGHWAY VEHICLES; BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO DEFINE THE TERMS “RECREATIONAL OFF‑HIGHWAY VEHICLE” AND “ALL‑TERRAIN VEHICLE”; AND TO AMEND SECTION 56‑1‑10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO DELETE THE TERM “ALL‑TERRAIN VEHICLE” AND ITS DEFINITION.

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

SECTION 1. This act may be referred to as the ‘South Carolina Recreational Off‑Highway Vehicle Act’.

SECTION 2. Title 50 of the 1976 Code is amended by adding:

“CHAPTER 27

South Carolina Recreational Off‑Highway Vehicle Act

Section 50‑27‑10. For purposes of this chapter:

(1) A ‘Recreational Off‑Highway Vehicle’ or ‘ROV’ means a motorized off‑highway vehicle designed to travel on four or more tires, intended by the manufacturer for use by one or more persons having the following characteristics: a steering wheel for steering control; nonstraddle seating; seat belts; a rollover protective structure; maximum speed capability greater than thirty miles per hour; less than eighty inches in overall width, exclusive of accessories; engine displacement of less than one thousand cc; identification by means of a seventeen character personal identification number or vehicle identification number.

(2) ‘Department’ means the South Carolina Department of Natural Resources.

(3) ‘Owner’ means any person, other than a person with a security interest, having a property interest or title to an ROV and entitled to the use and possession of the vehicle.

(4) ‘Person’ means every natural person, firm, copartnership, association, or corporation.

(5) ‘Public street’, ‘road’, or ‘highway’ means a publicly maintained road for vehicular traffic as defined in Section 56‑5‑430.

Section 50‑27‑20. (A) An ROV operator must be at least sixteen years of age and possess a valid driver’s license.

(B) No ROV operator may carry any passenger who is unable to:

(1) place both feet flat on the floorboard while seated upright with his or her back against the seatbacks; and

(2) reach the occupant handhold or handholds when seated.

(C) No person shall operate or be a passenger in an ROV unless the person wears eye protection and an approved safety helmet.

(D) The following acts are prohibited when an ROV is operated on public land:

(1) operating an ROV in a careless or reckless manner so as to endanger or to cause injury or damage to any person or property;

(2) driving or operating an ROV on any public street, road, or highway unless the street, road, or highway is part of a designated trail system permitting such operation or except for purposes of crossing if:

(a) the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(b) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(c) the operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and

(d) both the headlight and the taillight are on when the crossing is made;

(3) crossing of any interstate or limited access highway;

(4) operating an ROV during hours of darkness without displaying a lighted headlamp and tail lamp. These lights must be in operation during the period of one‑half hour after sunset to one‑half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions, unless use of lights is prohibited by other applicable state laws;

(5) operating or being a passenger in an ROV unless wearing a seat belt;

(6) operating an ROV while carrying more passengers than recommended by the manufacturer in vehicle’s owners manual;

(7) operating an ROV while carrying a passenger in its bed; or

(8) operating an ROV while under the influence of alcohol or any controlled substance, or under the influence of a prescription or nonprescription drug that impairs vision, motor coordination or judgment.

(E) An owner may not authorize an ROV to be operated contrary to a provision in this act.

Section 50‑27‑30. (A) An ROV operated in South Carolina must be equipped with:

(a) a brake system maintained in good operating condition;

(b) an effective muffler system in good working condition; and

(c) an effective spark arrester in good working condition.

(B) ROVs competing in certain competitive events may be exempted from any provision contained in this section at the discretion of the department.

Section 50‑27‑40.A person who violates a provision contained in this chapter, unless otherwise specified, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars and no more than two hundred dollars.”

SECTION 3. Chapter 19, Title 56 of the 1976 Code is amended by adding:

“Article 10

Titling of Recreational Off‑Highway Vehicles

Section 56‑19‑1110. An owner of an ROV may make application to the Department of Motor Vehicles for a title for the vehicle accompanied by the required fee and upon the appropriate form prescribed and furnished by the department. The application must be accompanied by a manufacturer’s certificate of origin or previous title properly assigned to the applicant.

Section 56‑19‑1120. When a person who is not a licensed ROV dealer receives by purchase, gift, trade, or by another means an ROV that was titled in this State, the person who receives the ROV may make application to the South Carolina Department of Motor Vehicles for a title. The application must be accompanied by the required documents and fee for title. The department shall issue a certificate of title once it has received a properly completed application. An owner of an ROV, before the effective date of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ROV. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ROV is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

Section 56‑19‑1130. The title fee for an ROV is contained in Section 56‑19‑420(A). For purposes of this article, a recreational off‑highway vehicle or ROV is defined as provided in Section 50‑27‑10.”

SECTION 4. Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Article 3

Off‑Highway Vehicles

Section 56‑2‑3100. As contained in this title:

(1) ‘Recreational off‑highway vehicle’ commonly referred to as an ‘ROV’ means a motorized off‑highway vehicle designed to travel on four or more tires, intended by the manufacturer for use by one or more persons having the following characteristics: a steering wheel for steering control; nonstraddle seating; seat belts; a rollover protective structure; maximum speed capability greater than thirty miles per hour; less than eighty inches in overall width, exclusive of accessories; engine displacement of less than one thousand cc; identification by means of a seventeen character personal identification number or vehicle identification number. (2) ‘All‑terrain vehicle’ commonly referred to as an ‘ATV’ means a motorized vehicle defined in Section 50‑27‑10.”

SECTION 5. Section 56‑1‑10(20) of the 1976 Code, as added by Act 170 of 2005, is amended to read:

“(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.~~ Reserved”

SECTION 6. 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 7. This act takes effect upon approval by the Governor.

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