~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 19, 2016

**S. 689**

Introduced by Senators Hembree and McElveen

S. Printed 5/19/16--H.

Read the first time April 13, 2016.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 689) to amend Section 56‑1‑50(b)(2) and (c) of the 1976 Code, relating to motor vehicle beginner’s permit and vehicle operation, 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, by adding the following appropriately numbered SECTION:

/SECTION \_\_\_. Section 56-5-3630 of the 1976 Code is amended to read:

“Section 56-5-3630. ~~(a)~~(A) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

~~(b)~~(B) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

~~(c)~~(C) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

~~(d)~~(D) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(E) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the footrests with both feet. Provided, the provisions of this section shall not apply to persons riding in a motorcycle sidecar.

~~(e)~~(F)No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on the roadway.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure or revenue impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by the Senate Transportation Committee on April 5, 2016**

**State Expenditure**

The amendment requires that a person applying for a motor cycle or moped beginner’s permit pursuant to Section 56-1-50 may not operate a motorcycle or moped during any unpermitted time unless supervised by an applicable licensed motor cycle operator or an applicable licensed driver. The amendment states further that a permittee may not operate a motorcycle at any other time unless accompanied by a licensed motorcycle or moped operator twenty-one years of age or older who has at least one year of driving experience. The accompanying driver must occupy a seat beside the permittee or be within a safe viewing distance.

**The Department of Motor Vehicles.** The department indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds. This amendment would not change the way the department currently issues permits.

**State Revenue**

**The Department of Motor Vehicles.** The department indicates that this bill would have no revenue impact on the general fund, federal funds, or other funds. This amendment would not change the way the department currently issues permits.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑1‑50(B)(2) AND (C) OF THE 1976 CODE, RELATING TO MOTOR VEHICLE BEGINNER’S PERMIT AND VEHICLE OPERATION, TO PROVIDE THAT A PERMITTEE MAY NOT OPERATE A MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR‑DRIVEN CYCLE AT ANY UNPERMITTED TIME UNLESS SUPERVISED BY A LICENSED MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR‑DRIVEN CYCLE OPERATOR AND TO PROVIDE THAT THE ACCOMPANYING DRIVER MUST BE WITHIN A SAFE VIEWING DISTANCE OF THE PERMITTEE WHEN THE PERMITTEE IS OPERATING A MOTORCYCLE OR A THREE‑WHEEL VEHICLE.

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

SECTION 1. Section 56‑1‑50(B)(2) and (C) of the 1976 Code is amended to read:

“(2) motorcycles~~, motor scooters, or light motor‑driven cycles of five‑brake horsepower or less~~ or mopeds after six o’clock a.m. and not later than six o’ clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the permittee may operate ~~motor scooters or light motor‑driven cycles~~ motorcycles or mopeds after six o’clock a.m. and not later than eight o’clock p.m. ~~A permittee may not operate a motorcycle, motor scooter, or light motor‑driven cycle at any other time unless supervised by the permittee’s motorcycle licensed parent or guardian.~~ A permittee may not operate a motorcycle at any other time unless accompanied by a licensed motorcycle operator twenty-one years of age or older who has at least one year of driving experience. A permittee may not operate a moped at any other time unless accompanied by a licensed driver twenty-one years of age or older who has at least one year of driving experience.

(C) The accompanying driver must: ~~occupy a seat beside the permittee, except when the permittee is operating a motorcycle. A three‑wheel vehicle requires the accompanying driver to be directly behind the permittee on a saddle‑type seat or beside the permittee on a bench‑type seat.~~

(1) occupy a seat beside the permittee when the permitee is operating a motor vehicle; or

(2) be within a safe viewing distance of the permittee when the permitee is operating a motorcycle or a moped.”

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

‑‑‑‑XX‑‑‑‑