**A** **BILL**

TO AMEND SECTION 56‑2‑105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS AND THE ISSUANCE OF GOLF CART PERMIT DECALS AND REGISTRATION BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO ALL‑TERRAIN VEHICLES, AND TO DEFINE THE TERM “ALL‑TERRAIN VEHICLE” OR “ATV”.

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

SECTION 1. Section 56‑2‑105 of the 1976 Code, as last amended by Act 246 of 2016, is further amended to read:

“Section 56‑2‑105. (A) For the purposes of this section~~,~~:

(1) ‘Gated community’ means any homeowners’ community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

(2) ‘All‑terrain vehicle’ or ‘ATV’ means any vehicle contained in Section 56‑1‑10(20).

(B) An individual or business owner of a vehicle commonly known as a golf cart or ATV may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart or ATV and upon payment of a five dollar fee.

(C) During daylight hours only:

(1) A permitted golf cart or ATV may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(2) A permitted golf cart or ATV may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

(3) Within four miles of the registration holder’s address, and while traveling along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less, a permitted golf cart or ATV may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

(4) A permitted golf cart or ATV may be operated along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(D) A person operating a permitted golf cart or ATV must be at least sixteen years of age and hold a valid driver’s license. The operator of a permitted golf cart or ATV being operated on a highway or street must have in his possession:

(1) the registration certificate issued by the department;

(2) proof of liability insurance for the golf cart or ATV; and

(3) his driver’s license.

(E) A golf cart or ATV permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(F)(1) A political subdivision ~~may~~, on designated streets or roads within the political subdivision’s jurisdiction, may reduce the area in which a permitted golf cart or ATV may operate from four miles to no less than two miles.

(2) A political subdivision ~~may~~, on primary highways, secondary highways, streets, or roads within the political subdivision’s jurisdiction, may create separate golf cart or ATV paths on the shoulder of its primary highways, secondary highways, streets and roads for the purpose of golf cart or ATV transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the golf cart or ATV paths; and

(b) the golf cart or ATV path is:

(i) separated from the traffic lanes by a hard concrete curb;

(ii) separated from the traffic lanes by parking spaces; or

(iii) separated from the traffic lanes by a distance of four feet or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart or ATV at night on designated portions of the barrier island within the municipality, provided the golf cart or ATV is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart or ATV at night on designated portions of the county, provided the golf cart or ATV is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts or ATVs to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, ~~shall~~ still shall apply to all permitted golf carts or ATVs.

(4) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart or ATV contained in this section.

(G) The provisions of this section that restrict the use of a golf cart or ATV to certain streets, certain hours, and certain distances shall not apply to a golf cart or ATV used by a public safety agency in connection with the performance of its duties.”

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

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