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Indicates New Matter

AS PASSED BY THE SENATE

March 29, 2018

**S. 567**

Introduced by Senator Sheheen

S. Printed 3/29/18--S.

Read the first time March 21, 2017.

**A** **BILL**

TO AMEND SECTION 41-18-30 OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE “SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE”, TO EXCLUDE OPEN-WHEEL MOTORSPORT VEHICLES, KARTS, SUPER-KARTS, GEARBOX OR SHIFTER KARTS, OR GO-KARTS USED FOR RACING AT SPEEDS IN EXCESS OF FIFTY MILES PER HOUR.

Amend Title To Conform

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

SECTION 1. Section 41-18-30 of the 1976 Code is amended to read:

“Section 41‑18‑30. (A) This chapter applies to amusement devices at carnivals, fairs, and amusement parks where an admission or fee is customarily or usually charged located within the State or at other places open to the public and to the managers of these devices, to the persons employed in connection with these devices, and to their employees.

(B) This chapter does not apply to single passenger, coin‑operated, manually, mechanically, or electrically operated rides, except where admission is charged for the use of the equipment, and this chapter may not be construed so as to limit the right of a person to conduct any hotel, restaurant, or eating place at an amusement park.

(C) This chapter does not apply to air‑supported structures.

(D) This chapter applies to concession go‑karts. This chapter does not apply to super‑karts, provided that:

(1) Only persons age 18 or above who hold a valid driver’s license are allowed to operate super‑karts.

(2) No person shall operate a super‑kart in any establishment where other amusement devices are located or operated. Establishments offering super‑karts must not share an entrance or exit with any other establishment offering an amusement device and must charge a separate fee for operating super‑karts.

(3) A sign shall be on display on the premises where super‑karts are operated stating: ‘Super‑karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. Super‑karts may reach speeds in excess of 50 miles per hour. Drive at your own risk.’

(4) The owner of a super‑kart must carry an insurance policy in an amount not less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation or use of such device.”

SECTION 2. Section 41-18-40 of the 1976 Code is amended by adding appropriately numbered items to read:

“( )(a) ‘Concession go‑kart’ means an amusement ride or device that:

(i) is a single vehicle, unattached to other vehicles or a common frame system;

(ii) is powered without connection to a common energy source;

(iii) is driver‑controlled with respect to acceleration, speed, braking, and steering;

(iv) operates within the containment system of a defined track;

(v) simulates competitive motor sports; and

(vi) is used by members of the general public for a fee.

(b) A concession go‑kart has a maximum capacity of two persons and no cargo capacity.

( ) ‘Super‑kart’ means an open‑wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing in excess of fifty miles per hour. Super‑kart does not mean ‘concession go-kart’ as defined by this section.”

SECTION 3. This act takes effect upon approval by the Governor.

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