~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 7, 2019

**H. 3952**

Introduced by Rep. Clemmons

S. Printed 3/7/19--H.

Read the first time February 12, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3952) to amend Section 56‑2‑105, Code of Laws of South Carolina, 1976, relating to the registration of golf carts and the issuance of golf cart permits by, 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 striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 56‑2‑105(F)(4) of the 1976 Code is amended to read:

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

(b) Notwithstanding the provisions of this item, a county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering golf carts for rental or lease for a period of less than nine months that operate upon the public streets and highways within the jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased golf carts may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.” /

Amend the bill further, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Article 3, Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Section 56‑2‑3110. A county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering mopeds for rental or lease for a period of less than nine months that operate upon the public streets and highways within its jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased mopeds may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 12, 2019**

**Local Expenditure**

This bill allows a county in unincorporated areas or a municipality within its corporate limits to adopt an ordinance to regulate a person or entity offering mopeds or golf carts for rental or lease on an hourly, daily, weekly, or monthly basis. This regulatory authority is limited to the use of safety devices, geographic area, distance, identification of the vehicles, and specified public roadways on which the rented moped or golf cart may operate. Since the permitted regulation of mopeds or golf carts is an activity conducted in the normal course of local government activities, we anticipate that this bill will not have an expenditure impact on local governments.

**Local Revenue**

This bill will have an undetermined impact on local government revenue, since it is unknown how many local governments will choose to regulate mopeds or golf carts and the amount of license fees they may impose.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑2‑105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF GOLF CARTS AND THE ISSUANCE OF GOLF CART PERMITS BY THE DEPARTMENT OF MOTOR VEHICLES, AND THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY REGULATE AN ENTITY OFFERING GOLF CARTS FOR RENT OR LEASE WITHIN ITS JURISDICTION UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 56‑2‑3110 SO AS TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY REGULATE AN ENTITY OFFERING MOPEDS FOR RENT OR LEASE WITHIN ITS JURISDICTION UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 56‑2‑105(F)(4) of the 1976 Code is amended to read:

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

(b) Notwithstanding the provisions of this item, a county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering golf carts for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within the jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased golf carts may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.”

SECTION 2. Article 3, Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Section 56‑2‑3110. A county in the unincorporated areas of the county or a municipality within its corporate limits may by ordinance regulate a person or entity offering mopeds for rental or lease on an hourly, daily, weekly, or monthly basis that operate upon the public streets and highways within its jurisdiction. However, this ordinance is limited to the use of safety devices and the geographic area, distance, identification of the vehicles, and specified public roadways on which the rented or leased mopeds may operate. Nothing in this ordinance may conflict with or exceed existing limitations of state law.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑