~~Indicates Matter Stricken~~

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COMMITTEE AMENDMENT ADOPTED

January 12, 2022

**S. 403**

Introduced by Senator Gustafson

S. Printed 1/12/22--S.

Read the first time January 12, 2021.

**A** **BILL**

TO AMEND SECTION 41-18-30(D) OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, TO DIFFERENTIATE BETWEEN AMUSEMENT-STYLE AND COMPETITION-STYLE CONCESSION GO-KARTS; AND TO DEFINE NECESSARY TERMS.

Amend Title To Conform

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

SECTION 1. This act must be known and may be cited as the “South Carolina Go-Kart Definitions Act”.

SECTION 2. Section 41-18-30(D) of the 1976 Code is amended to read:

“(D) This chapter applies to amusement-style concession go‑karts. This chapter does not apply to ~~super‑karts~~ competition-style concession go-karts, provided that:

(1) ~~Only~~ only persons age ~~eighteen or above who hold a valid driver's license~~ twelve and above are allowed to operate ~~super‑karts~~ competition-style concession go-karts, provided that all persons under age eighteen must have parental consent to operate competition-style concession go-karts;~~.~~

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

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

(4) ~~The~~ the owner of a ~~super‑kart~~ competition-style concession go-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~~.~~; and

(5) any person who operates a competition-style concession go-kart who does not possess a driver’s license must complete a training session prior to its operation.”

SECTION 3. Section 41-18-40(15) and (16) of the 1976 Code is amended to read:

“(15)(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)~~(v) 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.

(c) An amusement-style concession go-kart operates within the containment system of a defined track.

(d) A competition-style concession go-kart does not operate within the containment system of a defined track.

~~(16)~~ ~~‘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 4. This act takes effect upon approval by the Governor.

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