

**South Carolina General Assembly**  
117th Session, 2007-2008

**R41, S348**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto and Land

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Companion/Similar bill(s): 797, 812, 3622

Introduced in the Senate on January 25, 2007

Introduced in the House on April 18, 2007

Last Amended on May 1, 2007

Passed by the General Assembly on May 2, 2007

Governor's Action: May 15, 2007, Vetoed

Legislative veto action(s): Veto sustained

Summary: Chandler's Law

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/25/2007	Senate	Introduced and read first time SJ-11
1/25/2007	Senate	Referred to Committee on <b>Fish, Game and Forestry</b> SJ-11
4/5/2007	Senate	Committee report: Favorable with amendment <b>Fish, Game and Forestry</b> SJ-9
4/12/2007	Senate	Amended SJ-57
4/12/2007	Senate	Read second time SJ-57
4/13/2007		Scrivener's error corrected
4/17/2007	Senate	Read third time and sent to House SJ-12
4/18/2007	House	Introduced and read first time HJ-33
4/18/2007	House	Referred to Committee on <b>Agriculture, Natural Resources and Environmental Affairs</b> HJ-33
4/25/2007	House	Committee report: Favorable <b>Agriculture, Natural Resources and Environmental Affairs</b> HJ-2
5/1/2007	House	Amended HJ-18
5/1/2007	House	Read second time HJ-18
5/2/2007	House	Read third time and returned to Senate with amendments HJ-20
5/2/2007	Senate	Concurred in House amendment and enrolled SJ-24
5/9/2007		Ratified R 41
5/15/2007		Vetoed by Governor
5/29/2007	Senate	Veto sustained Yeas-25 Nays-17

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**VERSIONS OF THIS BILL**

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(R41, S348)

AN ACT TO AMEND TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FISH, GAME, AND WATERCRAFT, SO AS TO ENACT "CHANDLER'S LAW" BY ADDING CHAPTER 26 SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING A REQUIREMENT THAT A PERSON FIFTEEN YEARS OLD OR YOUNGER WHO OPERATES AN ALL-TERRAIN VEHICLE MUST POSSESS A SAFETY CERTIFICATE INDICATING SUCCESSFUL COMPLETION OF AN ALL-TERRAIN VEHICLE SAFETY COURSE, AND MUST WEAR A SAFETY HELMET AND EYE PROTECTION WHEN OPERATING AN ATV, MAKING IT UNLAWFUL FOR A PARENT OR LEGAL GUARDIAN TO KNOWINGLY PERMIT HIS CHILD OR WARD UNDER AGE SIX TO OPERATE AN ATV, AND PROVIDING FURTHER RESTRICTIONS WHEN OPERATING AN ATV ON LANDS THAT ARE OPEN TO THE PUBLIC THAT ALLOW OPERATION OF AN ATV, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2007, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND TO AMEND CHAPTER 3, TITLE 56, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 10A SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

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

**All-Terrain Vehicle Safety Act**

SECTION 1. Title 50 of the 1976 Code is amended by adding:

## “CHAPTER 26

### All-Terrain Vehicle Safety Act

Section 50-26-10. This chapter may be cited as ‘Chandler’s Law’.

Section 50-26-20. For the purposes of this chapter ‘all-terrain vehicle’ or ‘ATV’ means a motorized vehicle designed primarily for off-road travel on three or four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer for use by a single operator or an operator and no more than one passenger.

Section 50-26-30. (A) Effective July 1, 2008, every person fifteen years old and younger who operates an all-terrain vehicle must possess a safety certificate indicating successful completion of an all-terrain vehicle safety course approved by the All-Terrain Vehicle Safety Institute.

(B) It is unlawful for a parent or legal guardian to knowingly permit his child or ward under six years of age to operate an all-terrain vehicle.

(C) A person fifteen years of age or younger also may not operate, ride, or otherwise be propelled on an all-terrain vehicle within this State unless the person wears a safety helmet and eye protection meeting United States Department of Transportation standards for motorcycles.

(D) A law enforcement officer in enforcing the provisions of this section in regard to private lands must have probable cause to believe a violation of this section occurred before he may enter upon private land to charge a violation of this section.

Section 50-26-40. (A) The restrictions in this section apply to operation of all-terrain vehicles on those lands open to the public that allow operation of all-terrain vehicles and are in addition to the requirements of Section 50-26-30.

(B) It is unlawful to operate an all-terrain vehicle except in compliance with the local regulations and restrictions for all-terrain vehicle operation.

(C) A person fifteen years of age or younger operating or riding on an all-terrain vehicle in the manner permitted by law must be accompanied by an adult.

(D) It is unlawful to operate an all-terrain vehicle between one-half hour after sunset to one-half hour before sunrise unless it is operated with headlights on.

(E) It is unlawful to cross any watercourse except at a designated ford or crossing or bridge. Riding in any water bodies or watercourses is unlawful.

(F) An all-terrain vehicle must have an effective muffler system in good working condition; a United States Department of Agriculture Forest Service approved spark arrester in good working condition and a brake system in good operating condition.

(G) It is unlawful to operate an all-terrain vehicle while under the influence of alcohol or any controlled substance.

(H) It is unlawful to operate an all-terrain vehicle in a negligent or reckless manner.

(I) It is unlawful to operate an all-terrain vehicle in a manner that damages flora or fauna, roads, trails, firebreaks, signs, gates, guardrails, bridges, fencing, or other public property.

Section 50-26-50. All-terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2007.

Section 50-26-60. A person violating this chapter, unless otherwise specified, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars.”

#### **Titling of all-terrain vehicles**

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

#### “Article 10A

##### Titling of All-Terrain Vehicles

Section 56-3-1420. An owner of an ATV may make application to the Department of Motor Vehicles for a title for the vehicle accompanied by the required fee and upon the appropriate form prescribed and furnished by the department. The application must be accompanied by a manufacturer's certificate of origin or previous title properly assigned to the applicant.

Section 56-3-1425. When a person who is not a licensed ATV dealer receives by purchase, gift, trade, or by another means a vehicle that was titled in this State, the person who receives the vehicle may make application to the department for a title. The application must be accompanied by the required documents and fee for title. The

department shall issue a certificate of title once it has received a properly completed application. An owner of an ATV, before the enactment of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ATV. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ATV is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

Section 56-3-1430. The title fee for an ATV is contained in Section 56-19-420(A). For purposes of this article, an all-terrain vehicle (ATV) is defined as provided in Section 50-26-20."

**Time effective**

SECTION 3. Except as otherwise provided, this act takes effect July 1, 2007.

Ratified the 9<sup>th</sup> day of May, 2007.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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*Governor*

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